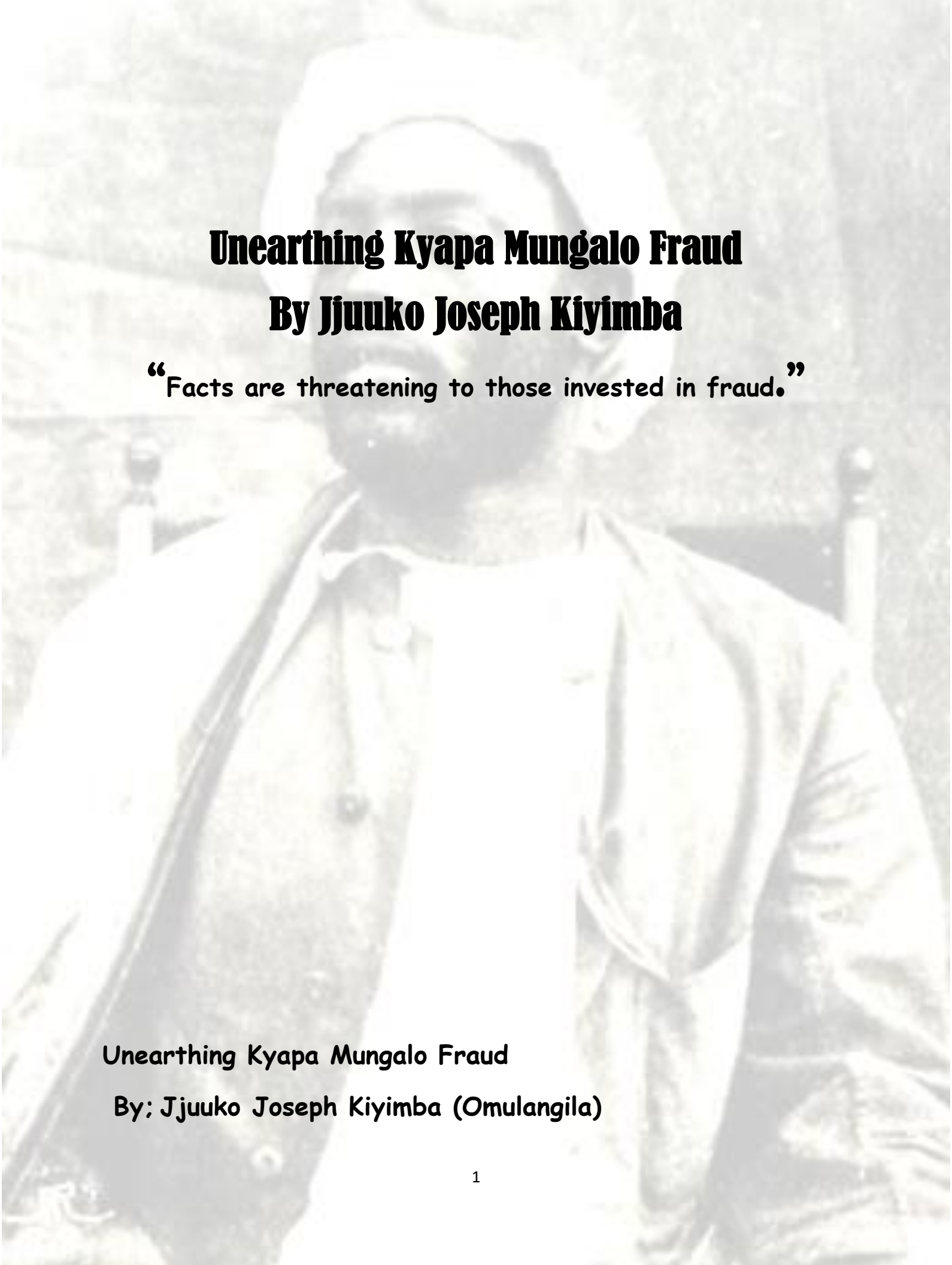

Unearthing Kyapa Mungalo Fraud
By Jjuuko Joseph Kiyimba

"Facts are threatening to those invested in fraud."

Unearthing Kyapa Mungalo Fraud

By; Jjuuko Joseph Kiyimba (Omulangila)

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Jjuuko Intelsys Company Limited
Jjuuko Joseph Kiyimba
P.O, Box 8093, Kampala,
Uganda
Email;jjuukojosekiyimba@gmail.com

Ordering Information:
Quantity sales. Special discounts are available on quantity purchases by corporations, associations, and others. For

details, contact the publisher at the address above.
Orders by Uganda trade bookstores and wholesalers.

Printed in the United States of America

Publisher's Cataloging-in-Publication data
Jjuuko, Joseph Kiyimba.
.

ISBN 978-9970-786-00-8
1. The main category of the book —History —Legal Argumentation

2. Cultural reference.

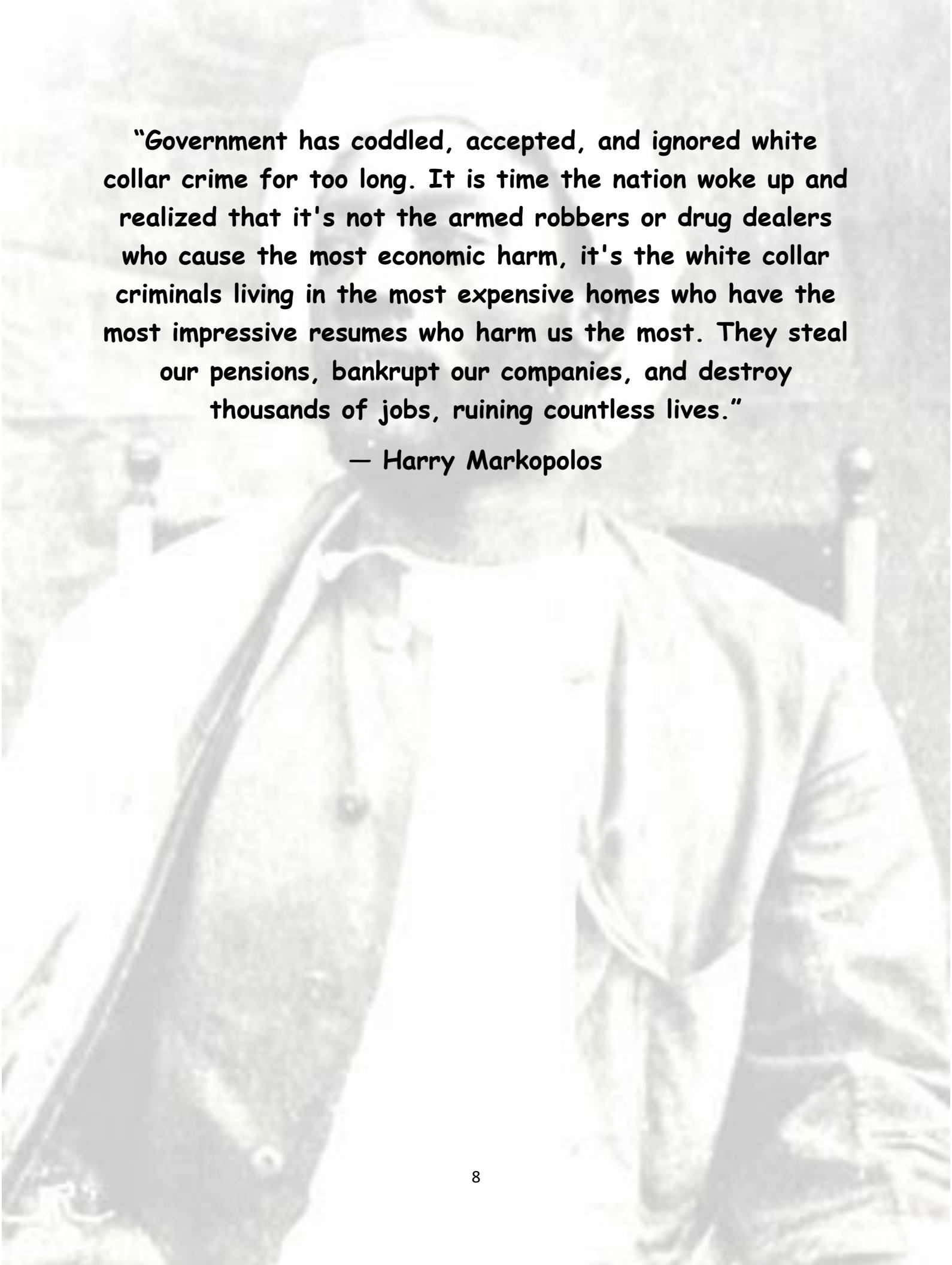
INSIPIRED BY KABAKA DANIEL BASAMULA EKELLE MWANGA MUKASA KIWAMIREMBE KIWANUKA

KING OF UGANDA.1893

Kabaka Daudi Chwa of Buganda, it has now become a habit of the people who work at the Buganda Kingdom to tailor up fraudulent schemes which they use to deprive the royal family members off their hereditary land, these behaviors begun with the likes of Apollo Kaggwa and others and has grown into a culture. I will now expose one of the most brazen land grabbing and title forging spree conducted by Charles Peter Mayiga, Martin Kasekende, Kizito Bashir Juma, David Wasajja, David Kyewalabye Male and Rehema Nanvuma Wandera

Going about everyday life, where a set of peaceful people are subject to modern day slavery by a set of greedy, arrogant and proud legal shenanigans at the detriment of the Country

Information Provided to Unchain Our People from The Ill Intentions of the Buganda Land Board Shenanigans and Systematic Land Grabbing at The Expense of the Legitimate Land Lords



"Government has coddled, accepted, and ignored white collar crime for too long. It is time the nation woke up and realized that it's not the armed robbers or drug dealers who cause the most economic harm, it's the white collar criminals living in the most expensive homes who have the most impressive resumes who harm us the most. They steal our pensions, bankrupt our companies, and destroy thousands of jobs, ruining countless lives."

— Harry Markopolos

THIS BOOK PROVIDES INFORMATION ABOUT SYSTEMATIC LAND GRABBING, FRADULENT TITLING AND FICTITITIOUS MUTATES DONE OVER MAILO LAND WITH THE GUIDANACE OF THE BUGANDA LAND BOARD

WHAT A HEIST?

THE TRUTH WILL SET YOU FREE "if you can find it"…

The sad TRUTH about the TRUTH is don't believe anything you READ, HEAR or SEE on this site or any other News sites as we have all been Deceived and Lied to on a daily basis for most of our lives especially by Mainstream Media News outlets like CNN, ABC, NBC, CBS, FOX and MSNBC so "BEWARE" as they outright lie and spread Propaganda for the Puppet Government of the Elite 1% Scumbags. So before you believe or form your own opinion, do your own Thorough Research – Due Diligence first. This book is a collection of Important News Stories on any and all issues of the day. They are collected from all over the world about the formation of the Buganda Land Board to Inform, Alert and educate about what is supposed to exist, what is existing and the detriment it has caused on the social, economic, political, technological and legal dynamics of our country Uganda and the Engineers of such a mess.

The Public Quote "And so it is to the printing press to the recorder of man's deeds, the keeper of his conscience, the courier of his news that we look for strength and assistance, confident that with the TRUTH man will be what he was born to be: Free and Independent". J.F.K

DISCLAIMER

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WE ARE ADVOCATES OF TRITE JUSTICE AND STAND FOR THE CAUSE OF RESTORING THE CULTURAL TENETS OF OUR COUNTRY SO THAT WE CAN HAVE A STRATEGIC AND ROBUST DEVELOPMENT FRAMEWORK FOR UGANDA AND THE GLOBE.

Note; The paper from which this book is made is 100 % recyclable together with the print inks used. We support all the initiatives that are drawn to preserve our environment for the continuity of the future generations,

Dedicated to;

Jerome Elijah Darien Luwaga and Michael Angelo Kiyimba

NOTE

This information is of proprietary nature and a result of well researched intellectual initiatives at the time of its writing. It is a product of legal argumentation. This contribution provides an overview of how argumentation theorists, philosophers, legal theorists and legal philosophers approach questions about the standards for the correctness of legal argumentation. The land grabbing problem in Uganda is very complex that it requires multivariate analysis that spans across very many disciplines for, it is tailored as a result of very well thought systematic professionalism tailored around a network of some of Uganda's most connected and influential people. Not only did it require their equivalent but individuals with the same robustness and beyond with a global network that can data mine to have the problem fixed.

The publisher and distributor of this content are indemnified about the content in this book and will not be held liable for its content per se. Ideas about the analysis and evaluation of legal argumentation, developed by influential authors in the field, will be examined. This overview serves as a general introduction and background for the different contributions to this issue of land grabbing and freehold title forgery majorly engineered by Sarah Kulatta Basangwa and Yusuf Kagumire in which the different problems mentioned herein

will be addressed by the various authors. Through this write up we will proceed with a discussion of three traditions in the study of legal argumentation: the logical, the rhetorical and the dialogical approach. The discussion is completed with an extended description of the pragma-dialectical approach to legal argumentation that has been directed to define the land grabbing problem in Uganda, how its tailored with the Ugandan Corporate Governance actors and the key areas most affected, providing a micro and macroeconomic analysis of the economic effects of systematic land grabbing.

ABOUT THE AUTHOR

Jjuuko Joseph Kiyimba (Omulangila)
Project Matrix Manager
Jjuuko Intelsys Company Limited

Jjuuko Joseph Kiyimba (Omulangila)'s extensive business evaluation forensic and litigation consulting experience includes services in over 500 engagements for a wide variety of purposes, including gift, estate, family law matters, conveyancing, shareholder disputes, shareholder buyouts, buy/sell agreements, charitable contributions, purchase price allocation, goodwill impairment testing, intangible asset valuation, mergers and acquisitions, Employee Share Ownership Schemes, business damages, asset tracing, and active/passive appreciation analysis. These services have been related to corporations, partnerships and limited liability companies across the manufacturing, wholesale, retail and service sectors. Jjuuko Joseph Kiyimba has served as an expert witness in state courts for plaintiffs, defendants and mutual.

Jjuuko Joseph Kiyimba is a managing member and the member in charge of forensic investigations at Jjuuko Intelsys Company Limited. Joseph has a broad range of forensic experience including financial and white crime collar investigations, fraudulent financial reporting, accountants' malpractice, and the calculation of economic damages. He has

extensive experience conducting interviews and has secured numerous confessions. Joe has conducted forensic examinations for publicly held and closely held businesses, municipalities, and governmental and educational entities including the most recent being the systematic unveiling of fraud that was engineered by the former Chief Registrar of Titles, Yusuf Kagumire in collusion with the Former Commissioner Land Registration Sarah Basangwa Kulatta which involved unveiling of so many Special Purposes Vehicles that were incorporated on a global basis in Africa ,Europe and The British Virgin Islands with the purposes of concealing the fraud and dodging Uganda Revenue Authority taxation through aggressive accounting management technics similar to those that were done in Enron Corporation. He is also part of the author of another publication headed as Unearthing Kyapa Mungalo Fraud, the book that gives detailed analysis of the fraud behind the forgery of over 20,000 titles at the Ministry of Lands, Housing and Urban Planning in connivance with the Buganda Land Board also drawn by the same authors that was first published.

In his work as a forensic accountant and fraud examiner, Joseph works closely with defense and plaintiff attorneys, audit committees, corporate boards, global Chief Executive Officers and government inspector generals. His experience in litigation consulting includes services in civil proceedings

including the calculation of economic damages in a broad range of personal and corporate disputes. Joseph has testified as an expert witness in state courts. Joseph has an existing network of contacts externally with intermediaries and clients to support further development of the Forensic Services business around the world; he has helped develop and deliver a strategy for building new long term relationships both internally and externally through thought leadership, attendance at and presenting at appropriate local forums; and contributed to the growth of the Forensic Services team in Uganda through the development of new markets and new services.

Jjuuko Joseph Kiyimba (Omulangila) is a Certified Accountant of United Kingdom. He is an experienced Forensic Analyst with multivariate expertise in business consulting services, corporate training programs, team facilitation, lean enterprise management, business process improvement, quality systems, streamlined processes, standardized work procedures, workplace organization, and facility layout. Jjuuko has designed and implemented key performance metrics, operations control systems and costing systems for supply chain performance, labour, material, production, inventory, support and service groups in manufacturing operations and service industries. In addition, installed Materials Reacquisition Processes and determined manufacturing requirements for integration of manufacturing information

systems and progression to computer-integrated manufacturing. He has at a very strategic level directed and managed major workout/turnarounds for financially troubled companies to improve profitability, reduce operating costs, realign the organization structure, install effective management controls, reduce inventory and increase production throughput to improve cash flow. He is a lean six sigma black belt, team builder and motivator, with an Entrepreneurial attitude, an effective communicator at all levels and across functions. He has hyper experience in forensics, auditing, financial analysis, taxation, strategic management consultant, multivariate legal experience, corporate governance systems engineering, assurance and strategic management audit.

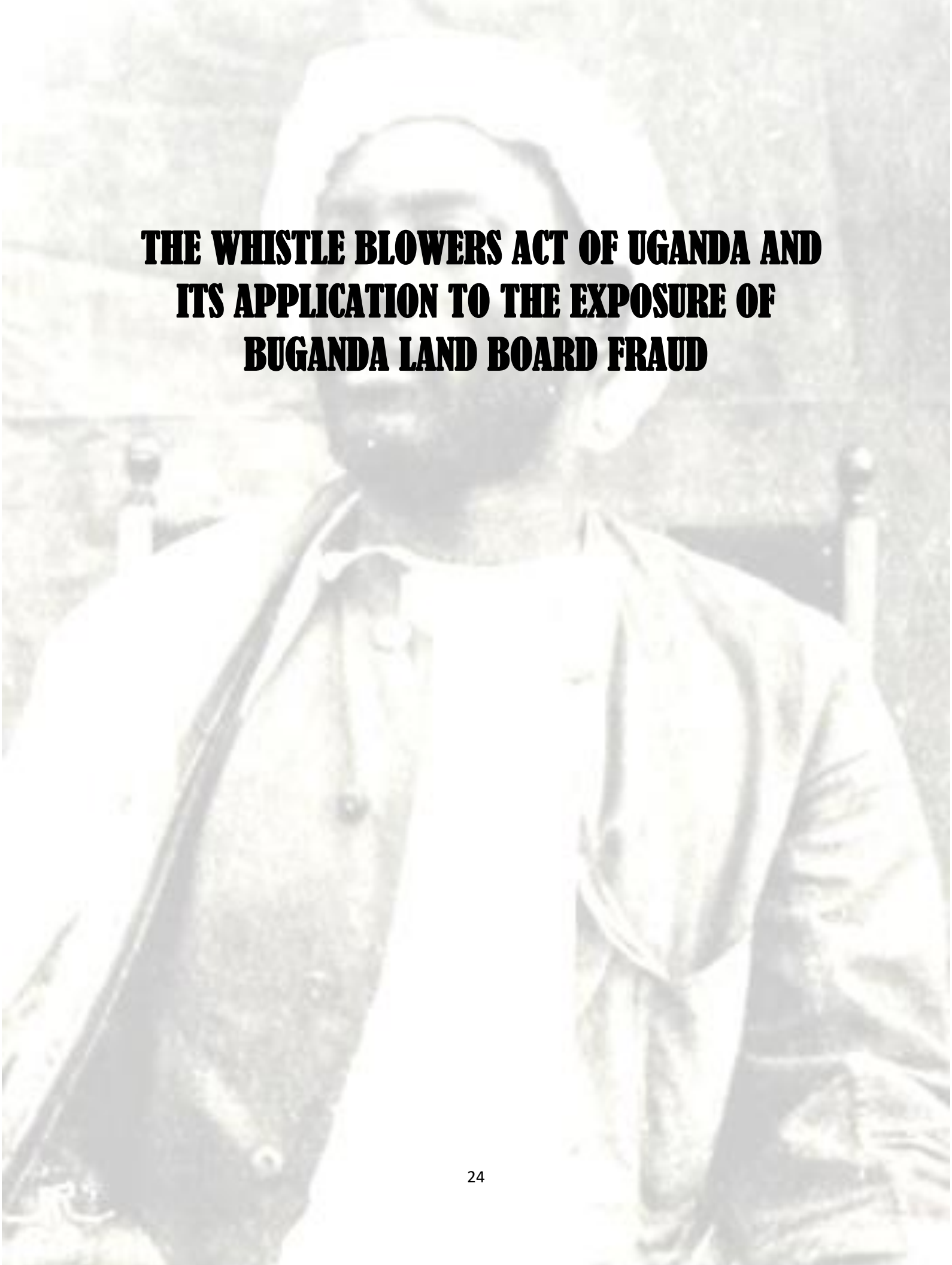
A leading expert in informal logic, other contributors and Jjuuko Joseph Kiyimba turns their attention in this new book to how reasoning operates in trials and other legal contexts, with special emphasis on the law of evidence with due consideration of the land problems that Uganda is facing at present for which practical solutions are only being envisaged on firefighting basis instead of developing a conceptual framework which has been considered herein. Please enjoy being privy to this writ and we expect it to sufficiently and appropriately provide a logical explanation of the causes of Uganda's Land grabbing, freehold title forged titling and populace settlement problems. All in all, we need to have these

matters recorded for historical purposes and we should nature an environment where we let the law take its course.

Accounting is a big subject and there are huge forces in play. The entire momentum of existing thinking and existing custom is in a direction that allows terrible follies to happen, and the terrible follies have terrible consequences. Accounting is a hot domain with the number of accounting majors up nationwide. I think the recent scandals have brought a new level of attention to the accounting profession as gatekeepers and custodians of social interest.

Firmior et potentior est operatio legis quam dispositio hominis - The operation of law is firmer and more powerful than the will of man.

"Jjuuko Joseph Kiyimba"



THE WHISTLE BLOWERS ACT OF UGANDA AND ITS APPLICATION TO THE EXPOSURE OF BUGANDA LAND BOARD FRAUD

WHISTLE BLOWERS PROTECTION ACT, 2010, OF UGANDA

ARRANGEMENT OF SECTIONS.

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SCHEDULE SCHEDULE—Currency Point

THE WHISTLEBLOWERS PROTECTION ACT, 2010.

An Act to provide for the procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; to provide for the protection against victimization of persons who make disclosures; and to provide for related matters.

Date of Assent: 22nd April, 2010.

Date of Commencement: 11th May, 2010.

Be it enacted by Parliament as follows:

Part I—Preliminary.

Interpretation.

In this Act, unless the context otherwise requires—

"authorized officer" means the Speaker of Parliament or Deputy Speaker of Parliament, the Executive Director of National Environment Management Authority in case of environment issues, Resident District Commissioner, a Senior Ethics Officer with the Directorate of Ethics and Integrity, a human rights commissioner with Uganda Human Rights Commission, the Director of Public Prosecutions, an inspectorate officer of the Inspectorate of Government, a police officer not below the rank of Assistant Inspector of Police;

"currency point" means the value specified in relation to a currency point in the Schedule;

"disclosure" means any declaration of information made by a whistleblower with regard to the conduct of one or more persons where the whistleblower has reason to believe that the information given shows or tends to show one or more of the following—

a) that a criminal offence or other unlawful act has been committed, is being committed or is likely to be committed;
b) that a miscarriage of justice has occurred, is occurring or is likely to occur;
c) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;

d) that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed;

"employee" means a person who has entered into a contract of service or contract for services or an apprenticeship contract, and includes a person who is employed by or for the Government of Uganda, including the Public Service, a local authority or a parastatal organization and member of the Uganda Peoples' Defence Forces;

"employer" means a person or group of persons, including a company or corporation, a public, regional or local authority, a governing body of an unincorporated association, a partnership, a parastatal organization or other institution or organization, whatsoever, for whom an employee works or has worked, or normally worked or sought to work, under a contract of service or contract for services; and includes the heirs, successors, assignees and transferors of a person or group of persons for whom an employee works, has worked, or normally works;

"good faith" means the honest intent to act without taking an unfair advantage over another person and includes honesty, fairness, lawfulness of purpose and absence of any intent to defraud;

"harass" means a systematic, persistent or continual unwanted and annoying pestering that may include threats or demands;

"impropriety" means conduct which falls within any of the categories of the definition of disclosure referred to in paragraphs (a) to (d) irrespective of whether or not— the impropriety occurs or occurred in the Republic of Uganda or outside the Republic of Uganda; or the law applying to the impropriety is that of the Republic of Uganda or outside the Republic of Uganda;

"Minister" means the Minister responsible for ethics and integrity;

"occupational detriment" means a reasonable belief or fear on the part of the whistleblower that he or she may be subjected to dismissal, suspension, harassment, discrimination or intimidation;

"parastatal" means a body owned wholly or controlled by government or an agency of Government;

"protected disclosure" means a disclosure made to—

a) an authorized officer;
b) an employer;
c) a nominated disclosure officer;

"regulations" mean the regulations made under this Act; "victimization" means and includes—dismissal; suspension; denial of promotion; demotion; redundancy; harassment; negative discrimination measures; intimidation; and threat of any of the above;

"whistleblower" means a person, who makes a disclosure of impropriety under this Act.

Part II—Protected Disclosures

Disclosure of impropriety.

A person may make a disclosure of information where that person reasonably believes that the information tends to show—that a corrupt, criminal or other unlawful act has been committed, is being committed or is likely to be committed; that a public officer or employee has failed, refused or neglected to comply with any legal obligation to which that officer or employee is subject; that a miscarriage of justice has occurred, is occurring or is likely to occur; that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed.

subject to any other law to the contrary, any disclosure of an impropriety made by a whistleblower is protected where he or she—

- makes the disclosure in good faith;

- reasonably believes that the disclosure and any allegation of impropriety contained in it are substantially true;
- makes the disclosure to an authorized officer;

maintains the confidentiality of his or her identity as whistleblower and takes reasonable steps to avoid its discovery; and maintains the confidentiality of the information contained in the disclosure.

(3) The protection afforded to a whistleblower under this Act shall not cease when his or her identity as whistleblower has been revealed, where the whistleblower was not responsible for the revelation.

Persons qualified to make disclosures.

Disclosures of impropriety may be made—

a) by an employee in the public or private sector in respect of their employer;
b) by an employee in respect of another employee;
c) by a person in respect of another person; or
d) by a person in respect of a private or public institution.
e) Nothing in this Act shall be construed as prohibiting the making of anonymous disclosures.
f) A person who makes an anonymous disclosure shall not be entitled to the protection conferred under this Act.

Persons to whom or institutions to which disclosure maybe made.

Disclosures of impropriety may be made internally to an employer of the whistleblower in cases where the whistleblower's complaint pertains to his or her place of employment.

External disclosures maybe made in the following instances— where the complaint does not pertain to the whistleblower's employment;

where the whistleblower reasonably believes that he or she

will be subjected to occupational detriment if he or she makes a disclosure to his or her employer;

where the whistleblower reasonably believes or fears that evidence relating to the impropriety will be concealed or destroyed if he or she makes the disclosure to his or her employer; or where the complaint has already been made and no action has been taken or the whistleblower reasonably believes or fears that the employer will take no action.

External disclosures of impropriety may be made to any of the following institutions—

1) the Inspectorate of Government;
2) the Directorate of Public Prosecutions;
3) the Uganda Human Rights Commission;

4) the Directorate for Ethics and Integrity;
5) the office of the Resident District Commissioner;
6) Parliament of Uganda;
7) the National Environment Management Authority; and
8) the Uganda Police Force.

Compulsory receipt of disclosures.

An authorized officer shall receive all disclosures made by a whistleblower.

When a disclosure of impropriety is made to a person specified in section 4, the person shall—

make a record of the time and place where the disclosure is made;

give to the whistleblower an acknowledgment in writing of receipt of the disclosure; and

keep the writing in which the disclosure is made confidential, and in safe custody pending investigation of the impropriety.

Notwithstanding subsection (1), receipt of a disclosure by an authorised officer shall not preclude the exercise of his or her discretion in determining whether or not the disclosure reveals actionable impropriety.

Where the authorized officer receiving the disclosure is satisfied, after a preliminary investigation— that the matter contained in the disclosure is trivial, frivolous, vexatious or not made in good faith; or that further investigation would be unnecessary or improper, he or she may stay the investigation.

The whistleblower shall have a right to receive a written communication from the authorized officer stating the reasons for the refusal to continue with the investigation.

Subsections (4) and (5) above shall not prejudice the right of the whistleblower to present the dismissed complaint to the Minister.

The Minister may upon receipt of a dismissed compliant presented by the whistleblower, cause fresh investigations into the complaint or reject the complaint upon being satisfied that the complaint has no merit to warrant an investigation to be carried out and shall inform the whistleblower of the action taken and the outcome of such action.

Part III—Procedures For Disclosure

Procedure for making a disclosure.

A disclosure of impropriety may be made orally or in writing.

All forms of information communication technology may be used to convey a disclosure.

The disclosure shall contain as far as practicable—

- the full name, address and occupation of the whistleblower;
- the nature of the impropriety in respect of which the disclosure is made;
- the name and particulars of the person alleged to have committed, who is committing or is about to commit the impropriety; the time and place where the alleged impropriety is taking place, took place or is likely to take place;
- the full name, address and description of a person who witnessed the commission of the impropriety;
- whether the whistleblower has made a disclosure of the same or of some other impropriety on a previous occasion and if so, about whom and to whom the disclosure was made; and if that person is making an employment related disclosure, whether the whistleblower remains in the same employment.

Reduction of disclosure into writing.

Where a whistleblower makes a disclosure orally, the person to whom the disclosure is made shall cause the disclosure to be reduced into writing containing the same particulars as are specified in section 6(3).

The writing required to be made under subsection (1) shall be read over, interpreted and explained to the whistleblower in a language the whistleblower understands and the whistleblower shall certify that the information contained in the statement is true and correct before making a mark to it.

Part IV—Action by Person Who Receives Disclosure of Impropriety

Investigation.

Where a disclosure of impropriety is made to a person specified under section 4, the authorized person shall investigate or cause an investigation into the matter and take appropriate action.

Any investigation undertaken in respect of the disclosure of impropriety shall be carried out expeditiously.

Where the authorized person to whom the disclosure is made determines that he or she does not have the capability to undertake the investigation, he or she shall, within seven

working days, refer the disclosure to a competent authority, provided for in section 4(3) or the Minister.

Part V—Protection of Whistleblowers

Protection from victimization

A person shall not be subjected to any victimization by his or her employer or by any other person on account, or partly on account, of having made a protected disclosure.

A whistleblower shall be considered victimized on account of making a protected disclosure where—

the whistleblower being an employee is—

dismissed;

suspended;

denied promotion;

demoted;

made redundant;

harassed;

intimidated;

threatened with any of the matters set out in (i) to (vii);

subjected to a discriminatory or other adverse measure by the employer or a fellow employee; or not being an employee, the whistleblower is subjected to discrimination or

intimidation by a person or an establishment affected by the disclosure.

A whistleblower who honestly and reasonably believes that he or she has been victimized as a result of his or her disclosure may make a complaint to either the Inspectorate of Government or the Uganda Human Rights Commission for redress.

Notwithstanding subsection (3) a whistleblower may seek redress for victimization by bringing a civil action in a court of law.

A complaint made under subsection (3) shall contain the following particulars—

the name, description and address of the whistleblower;

the name, description and address of the whistleblower's

employer or any other person who the whistleblower claims has victimized him or her; and

the specific acts complained of as constituting victimization.

A whistleblower shall not be considered victimized if the person against whom the complaint of victimization is directed—

has the right in law to take the action complained of; and

the action is demonstrably unrelated to the disclosure made.

Protection against court action

A whistleblower shall not be liable to civil or criminal proceedings in respect of a disclosure that contravenes any duty of confidentiality or official secrecy law where the whistleblower acts in good faith.

State protection.

A whistleblower who makes a disclosure and who has reasonable cause to believe that—

his or her life or property; or

the life or property of a member of the whistleblower's

family is endangered or likely to be endangered as a result of the disclosure, may request state protection and the state shall provide the protection considered adequate.

"Family" for the purposes of this section means spouse, father, mother, child, grandchild, brother and sister.

Application to court for assistance.

Where in the course of an investigation under section 8, the investigator has reasonable grounds to believe—that evidence or documents relevant to the investigation are likely to be destroyed, concealed, tampered with; or that a person willing to provide information relevant to the investigation is being restrained by pressure of obligation to a confidentiality

agreement with the persons or official secrets law to which the disclosure relates, the investigator may apply to the court for an order to preserve the evidence or documents or to release the person willing to provide the information from the perceived restraint.

Void employment contracts.

A provision in a contract of employment or other agreement between an employer and an employee is void if it— seeks to prevent the employee from making a disclosure; has the effect of discouraging an employee from making a disclosure; precludes the employee from making a complaint in respect of victimization; prevents an employee from bringing an action in court or before an institution to claim relief or remedy in respect of victimization; or if it has the effect of creating fear or discouraging the employee from making a disclosure.

Subsection (1) shall apply to a contract of employment or agreement in existence on the commencement of this Act.

Part VI—Offences And Penalties

Disclosing the identity of a whistleblower.

A person who unlawfully discloses, directly or indirectly, the identity of a whistleblower, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

Disclosing the details of the disclosure.

Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

victimization of a whistleblower.

A person who either by himself or herself or through another person victimizes a whistleblower for making a disclosure commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

Making false disclosures.

A person who knowingly makes a disclosure containing information he or she knows to be false and intending that information to be acted upon as a disclosed matter, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

Unlawfully failing to take action.

An authorized officer, who does not take action upon receipt of a disclosure made to him or her, commits an offence and is liable on conviction to imprisonment not exceeding five years

or a fine not exceeding one hundred and twenty currency points or both.

Part VII—Miscellaneous

Rewards

A whistleblower shall be rewarded for his or her disclosure five percent of the net liquidated sum of money recovered consequent upon the recovery of the money, based on that disclosure.

A whistleblower shall be paid within six months after the recovery of the money.

Regulations

The Minister may, by statutory instrument, make regulations for the purposes of carrying out or giving full effect to this Act.

Without prejudice to the general effect of subsection (1), regulations maybe made under that subsection for all or any of the following matters—further disclosure procedures; other persons or institutions to whom disclosures may be made; prescribing penalties in respect of the contravention of the regulations not exceeding a fine of one hundred twenty currency points or imprisonment not exceeding five years or both; and an additional penalty not exceeding five currency

points in respect of each day on which the contravention continues.

SCHEDULE

section 1

CURRENCY POINT One currency point is equivalent to twenty thousand shillings.

After having fathomed the whistle blowers act that concerns "whistle blowing" in Uganda it's important to understand that the disclosures herein are public and are intended to exhibit the fraud that has been done by the Buganda Kingdom, the Buganda Land Board, the people you will see as we progress on Ugandans. Society must show that blue-collar crime never pays. Insidious white-collar crime pays very well, and nothing is declared. It's the same reason why Financial Education, probably the most important subject of all, is absent from the general school curriculum - to keep the have-nots ignorant and the establishment's riches safe. Government has coddled, accepted, and ignored white collar crime for too long. It is time the nation woke up and realized that it's not the armed robbers or drug dealers who cause the most economic harm, it's the white collar criminals living in the most expensive homes who have the most impressive resumes who harm us the most. They steal our pensions, bankrupt our companies, and destroy thousands of jobs, ruining countless lives.

"Any system that values profit over human life is a very dangerous one indeed. Simply put, it lacks values, and such a system will eventually collapse once its true light is discovered by the masses. Though some say that capitalism is a modern system, corruption has been the source for the demise of every great civilization." States my friend Suzy Kassem, Rise Up and Salute the Sun: The Writings of Suzy Kassem.

The Uganda Government has handled the Buganda Kingdom thieves with very soft hands that they have got to a level where they think that they are untouchable. What is being done here is risky but it's being done to ensure that our children know who destroyed the Ministry of Lands, Housing and Urban Development lands management information system for the country and how it was tailored by a gang of the members of the Uganda Law Society majorly with the intention of carrying out the most brazen theft.

Despite several internal alerts that should have triggered a closer look at his activities, Buganda Land Board and the Ministry of Lands, Housing and Urban Development fraudulent technocrats remained largely unsupervised, especially in the early part of 1999 when the bulk of their illegal activity took place after the making of the Land Act, Cap 227 of the laws of Uganda which was majorly crafted by a click of people whose major intentions was to perpetuate land grabbing and forged titling and the key contributors to this act was the former Chief Registrar of Titles and Katera and Kagumire

advocates (Formerly Hunter and Grieg Advocates) Yusuf Kagumire also key player in title forgery using a company called the Mitchell Cotts Limited over which he has significant influence and control as he stated in the case of **Peter Mulira v Mitchel Cotts Ltd ((CIVIL APPEAL NO. 15 OF 2002)) [2004] UGCA 8 (3 April 2004);.**

Sarah Basangwa Kulatta, Commissioner Land Registration, Ministry of Lands Uganda.

Between 1998 to date, Ministry of Lands, Housing and Urban Development developed a robust title forging culture that has eaten the country up to a level that even the new computerized Lands Management Information system is its self a fraud for it does not comply with effect 68 of the Registration of Titles Act Cap 230 because as we progress, you will realize that the information that was supposed to back up these records from the Mailo Register Volume records was fraudulent confiscated by the management through the long arm of Sarah Basangwa Kulatta that you will see as we progress. The direct managers completely failed to detect any fraudulent activity, though there were several internal alerts. There was total lack of corporate governance compliance at the Ministry of Lands, Housing and Urban Development which gave leeway to people like Sarah Basangwa Kulatta, Robert Nyombi, Jasper Kakooza among others to forge titles as they wished. During the time Sarah Basangwa Kulata was at the Ministry she was largely unsupervised and herself validated the titles of her operational center because for a long time she was the Commissioners in charge of Land Registration and Land Administration which roles had to be separated and required a person who had hands on expertise with global corporate governance administration. Sarah Basangwa direct manager had no specific knowledge of lands management practices, and no attempts were made to verify his supervisory abilities. During the second half of last year

the desk manager and his immediate superior were caught up with other projects and in dealing with high employee turnover rates; thus distracted, they missed Sarah Basangwa's activities. The manager did not carry out an analysis of the titles generated by his commissioners—a task that was supposed to be one of his primary responsibilities and at all times most of them where even ignorant of the Ugandan Land Laws and how they evolved and lacked best practice too. The operations environment was critically chaotic. A "chronically" under-staffed middle office operations group, combined with fast growth, and a rapid multiplication in the number of products contributed to a chaotic operations environment which made it easier for Sarah Kulatta Basangwa and her cronies at the Ministry of Lands to conceal their activities.

In addition, my investigations indicate that the commissioners may well have had an accomplice in-house—an assistant who helped enter the hinky transactions. Sarah Basangwa Kulatta has said repeatedly that other officers at lands followed the same practices, and that she has been made a scapegoat for others' failings in addition to her own and her claims for the above can be substantiated by the claims of people like Loella Attaro who plays the same games who was recently discovered by the Commission of Inquiry into Land Matters that was headed by Lord Justice Bamugemereire. The evidence for the prior presents is below and Lord Justice Catherine Bamugemereire can be witness if anyone is in doubt.

Source. https://observer.ug/news/headlines/59374-land-registrar-admits-to-issuing-fake-land-titles

Land registrar admits to issuing fake land titles

- December 1, 2018
- Written by Joseph Olanyo

Luella Ataro Bogere

In one of the most heart-rending revelations, a senior registrar of titles at the ministry of Lands, has admitted masterminding a fraudulent land transaction in which she created and issued a fake special certificate of land title, that may see 161 households including the auditor general John Muwanga evicted.

Acting against the provisions of the law, Luella Ataro Bogere, without any due consideration of the normal procedures, acted illegally and created a special certificate of title for land under contention, located on Block 185, Plot 1131 at Namavundu sub-county Wakiso district. The fake title was created in the name of Peninah Karenge Busingye.

In collaboration with other surveyors, among them Vianney Lutaaya, a surveyor in the ministry of Lands, Ataro, issued a special certificate of title, knowing that all the plots in the mother certificate had proprietors.

Ataro did not also consider the normal procedures that when somebody applies for special certificate of title, the registrar has to wait for 30 days after an announcement is made in the national gazette.

Appearing before the Commission of Inquiry into land matters on November 20, the senior registrar of titles failed to defend herself saying it was an oversight. The commission is investigating allegations of double titling of land in Namavundu, Kasangati town council in Wakiso district. Commissioner Fred Ruhindi put Ataro to task to explain why she is always implicated in serious land fraudlent deals.

“This is not the first time you have caused a change in proprietorship on people’s titles. And this one is gigantic. What is it that it is you constantly? How many times so far have you been here on very grave matters and this one is worse? You have been compromised to the marrow,” Ruhindi said.

“You knew the transactions were taking place on this title but you didn’t act. Don’t try to white wash things here… but even if you wanted to do things fishy, you can’t even do it nicely”.

Ruhindi lashed out at the way the likes of Ataro testify against complainants in court.

“In courts of law you are the very people who go and testify against the complainants and testify against the commission. You earn twice from your deals. You earn from a person claiming money from government and the ones you are giving fake titles. Assuming our commission never came into existence, how could you actually cover this?" Ruhindi asked.

Commissioner Mary Oduka questioned why Ataro decided to ignore the statutory 30 days required by the law before issues of the fraudulent title.

“How much money was that that was involved that you couldn’t even wait for the days (30 days). Don’t tell me it was an oversight, you didn’t know. Not even God will listen to it.” said Oduka..

This is the fourth time Ataro whose name has hit the post office box for notorious fraudulent land deals, is appearing and being questioned before the commission. In June 2017, the Land Probe chairperson, Justice Catherine Bamugemereire ordered for the arrest of Ataro who she accused of obstructing justice and disrespect. Ataro was detained at Wandegeya police station.

Ataro, who was then appearing for the second time before the commission to explain her role in the issuance of a set of land titles to individuals in wetlands located at Kijabijo, was also accused of telling lies by the commission.

”And I am asking you again today and you said no. What exactly do you mean? Which means you actually knew about it", a visibly exasperated Bamugemereire said.

Ataro who had been avoiding some of the questions put to her by the commission could not, despite overwhelming evidence from witnesses, admit that she had a hand in deceptive land deals and did not follow right due procedures when processing applications leading to grant of certificate of titles in wetlands.

Records obtained by the commission showed that title 170 plot 644 was registered by Ataro and her senior land management officer, Satya Mwangushya without following laid down procedures. The two, the commission heard, avoided the district land officer and the district land board by approving the award of certificate of titles in a wetland.

In March 2018, the commission told Ataro to resign after she was accused of allegedly conniving with land grabbers to take the central forest reserve in Ssayi, Mukono municipality, and soliciting for money in order to sign transfer forms.

The revelation followed an earlier testimony from one Evelyn Kafeero, who had wanted to transfer a piece of land she bought from Jude Clement Kidega in 2014. Ataro, the commission heard, refused to sign the transfer forms and instead demanded for Shs 10 million for the transaction.

Kidega, an employee of ministry of Works, is also accused of selling part of Ssayi central forest reserve in Mukono, which is under contention to Kafeero, admitted before the commission that he paid Shs 10m to Ataro to help her sign his transfer forms

The land probe team also heard that Ataro illegally authorised the sub division of Kabaka's land at block 369 plot 3 at Golomolo Kiyaga without Buganda kingdom's consent. It is alleged that Ataro, through a mutation form, authorised the sub-division of Kabaka's land from block 369 into plots 8,9,10, 11 and 13.

Mutation is the transfer or change of title ownership from one person to another when the property is sold. Ataro has further been implicated in the issuing of title in Mabira central forest reserve to Nurdin Yusuf and Bashir Yusuf illegally.

In all these incidences, Ataro, vehemently denied any involvement in the bribery scandal.

"My lord, it is not true that I received money. It is totally false," Ataro said. She also stated that she did not know that the land in dispute was a forest reserve.

But in a turn of events and unlike other appearances where denial was been the order of the day, Ataro, who was again arraigned before the commission this time round succumbed to her deceitful woes and admitted creating the special title for the Namavundu land located on block 185, plot 1131 in the names of Peninah Karenge Busingye.

"My lord and commissioners, it was an oversight and I apologise for it, I did not know the magnitude of the problem but now I realise there was a problem," Ataro told the commission during cross examination.

She admitted she did not advertise the application for the special title in the newspapers, as it is required by law, to establish whether or not there were people with interest on the land.

But this did not solve the equation: “The way you minimalise mistakes by saying it was an oversight…, I apologise…is rather appalling. You issued the certificate of title in violation of all the rules, regulations and procedures of the law. You had made up your mind that you have to get a title out” Justice Bamugemereire.

“This thing of titling a certificate that belongs to over 160 people and you keep saying I apologise is ridiculous.”

Documents tendered before the commission show that the fraudulent special title was issued only nine days after the application was submitted as opposed to the 30 statutory days required by law.

Furthermore, the commission found out that the special title that was supposed to be issued in the original names, was instead issued in the in the name of Natasha Karenge. Kerenge has been summoned to appear before the commission. However, last week he submitted a letter, to the commission purporting that she was indisposed and that her doctor had prescribed a bed rest. Karenge asked to be given some time before she can appear before the commission.

The presence of the illegal special title came to the forefront when one Karenge together with her daughter, Natasha Karenge, under duress, fenced off the land claimed by one Stanley Lwanga, who holds the original title of the land under contention.

Lwanga, a retired accountant formerly with the ministry of Health, is one of the 161 households in Namavundu who face eviction as a result of the fraudulent transaction. Others include the auditor general, John Muwanga.

The land probe commission was created by President Yoweri Museveni in December 2016 and is chaired by Justice Catherine Bamugemereire.

Bamugemereire is assisted by six commissioners; Fredrick Ruhindi, Dr Rose Nakayi, George Bagonza Tinkamanyire, Joyce Gunze Habaasa, Mary Oduka Ochan and Robert Ssebunnya

The commission's lead counsel is Ebert Byenkya while the deputy and assistant lead counsels are John Bosco Suuza and Andrew Odiit respectively. The commission's mandate is to probe the efficiency of the laws, policies and processes of land registration, acquisition, administration and management.

It is also tasked with inquiring into the effectiveness of the Uganda Land Commission (ULC) in administering public land and relevant bodies in the reservation of wetlands, forests, road reserves and national parks.

jolanyo@gmail.com

This is simply a tip of the ice berg but the rot in the Ministry of Lands is too immense that any knowledgeable corporate governance professional would see it from the Land titles that you hold in custody today for they majorly lack the required details hence making most of the title holdings defective and specifically fitting in the domain of color of title and not title definitions.

The task of the board of directors is to oversee the company's activities and thereby maximize its value. Further, it has to fulfill three specific functions: have expertized members, ensure the company does not breach any law and that information given to external are accurate as well as to evolve a business plan. However, not complying with these

requirements has led to Ministry of Lands, Housing and Urban Development's corporate failure. The involvement of the board and its wrong-doing will be explained in the following presents. On the one hand, Ministry of Lands, Housing and Urban Development's board at least partially achieved these requirements. It consisted of several well expertized and experienced individuals from business, legal and political areas. However, financial structures of Ministry of Lands, Housing and Urban Development were greatly complex and difficult to understand for external and many people have always thought that MZOs were made to improve service delivery but this is not it, they were made to conceal the country's most brazen frauds involving land dealings. Even if they had tried to understand the structures they would have probably gotten confused.

Further reasons why the board did not discover any inconsistencies in the Ministry's statements will be outlined at this point. Firstly, the board was heavily deceived by management, in particular by Sarah Basangwa Kulatta and Robert Nyombi of the Uganda Land Commission. They did not have full access to information and that information they received were falsified or incomplete.

In addition to this the Uganda Law Society has been very translucent in the way it has made and encouraged the publication of the Ugandan Land Laws from the time that land law was first promulgated by the Buganda Government. It's

based on this reasoning that I have compiled a number of land laws in one volume so that our people can have access to the land laws in one voluminous read and for reference for those in practice , education and legal argumentation. You will be privyto this book as part of our first pack released and subsequently we shall provide other publications ab innitio.

Robert Nyombi,

Secondly, members of Ministry of Lands, Housing and Urban Development's board were not independent since a lot of the directors found themselves in a conflict of interest as they also took advantage of the title forging sprees and they benefited from the title forging and the land grabbing schemes. For example, one of the director who was also

former Ministry of Lands, Betty Amongi Ngee was allegedly sited in the scams that involved land grabbing and this was ambiently shown in one of the dailies that has been put below.

Source.
https://www.newvision.co.ug/news/1513672/minister-amongi-cited-makerere-land-saga

Minister Amongi cited in Makerere land saga
By Charles Etukuri
Added 20th January 2020 11:03 AM

Amongi said she wrote to ULC, indicating that Harris International be allocated 15 acres and the rest remain for Makerere. It, however, remains unclear why, in the subsequent letters, the land allocation to Riham increased to 25 acres and, later, to 75 acres.

amongi.jpg

LAND GIVEAWAYS

The former Minister of Lands, Housing and Urban Development, Betty Amongi, and the former Uganda Land Commission (ULC) secretary, Robert Nyombi, have been cited in the controversial giveaway of prime land belonging to Makerere University at Katalemwa estates.

According to documents Sunday Vision has seen, this land was supposed to be used by the university for the construction of a teaching hospital. The land in question was given away to more than 14 individuals and firms, despite protests from the First Lady and minister of education, Janet Museveni.

Mrs. Museveni protested after Amongi, who is now Kampala Capital City Authority (KCCA) minister, notified her that Makerere had raised the issue of there grabbed land. Makerere had secured funds to construct a modern teaching hospital there.

Sunday Vision has learnt that Makerere possesses the original title to the land, but that officials in the lands ministry created another title, which they used to subdivide the land to questionable companies and individuals.

The land at Katelemwa was being used by the university as residential quarters for it's senior staff members since 1920. Sunday Vision has also learnt that Makerere, through it's real estate investment company, Mak Holdings, intended to establish a teaching hospital.

It was supposed to be a 200- bed upper market modern university teaching hospital occupying approximately 30 acres. The facility was supposed to include out-patient and in-patient services, modern facilities for all major operations, staff houses and social amenities, like nursery school, recreational facilities and commercial services.

HOW IT STARTED

When asked about her allocation of the land to other parties, Amongi said she had been directed by President Yoweri Museveni to find land for Harris International. "The minister does not give the land. The minister receives directives and forwards such to the Uganda Land Commission (ULC) to act. I received a directive to find land for an investor within a few kilometres from the central business district of Kampala. I than discussed with ULC and they gave me a title of land in Katalemwa, in the names of ULC measuring over 20 acres," she says.

"They said they would allocate 15 acres to Riham and leave the balance for the construction of Makerere University hospital," Amongi said. She added that she discussed the proposal with the President about how the investor would share the land with the hospital.

"He advised me on how to proceed and I authorised ULC, to discuss the modalities of sharing land between the university and Riham because both investments are vital for the economy," Amongi explained.

FROM 25 TO 75

Amongi said she than wrote to ULC, indicating that Harris International be allocated 15 acres and the rest remain for

Makerere. It, however, remains unclear why, in the subsequent letters between the minister and ULC, the land allocation to Riham increased to 25 acres and, later, to 75 acres.

In her letter to the Deputy Resident City Commissioner, Kawempe Division, dated April 30, 2018, Amongi said: "On November 6, 2017, His Excellency, the President, wrote to me, directing me to allocate 75 acres of land to M/S Harris International. We identified part of the land for allocation to the above company in fulfillment of the President's directive."

Amongi indicated in the same letter that Makerere had used the same land since 1920 and that they had petitioned the education minister to safeguard it for purposes of building a hospital. She than explained that both her and the education minister consulted the President in April 2018 and procured permission to proceed in allocating Makerere land to Harris International.

According to Amongi, Makerere would only remain with about five acres to construct a teaching hospital, because it can be built in a storeyed way, spreading vertically, rather than horizontally. Ironically, her letter was neither copied to Makerere nor the minister of education. When asked about the other new owners of the said land, Amongi said she did not know how others came in.

MYSTERIOUS COMPANIES

Sunday Vision is, however, in possession of letters indicating that, as early as 2017, ULC than executive secretary Nyombi, had already allocated the said land to mysterious individuals and

companies. On November 3, 2017, Nyombi wrote to the Commissioner Surveys and Mapping, notifying him of the decision by ULC to allocate Makerere land to a number of private companies in a meeting of April 7-8 2016 under Minute 40/2016.

He directed the Surveys and Mapping department of the Ministry of Lands to authorise the survey of the land and produce certified title deeds. On November 30, 2017, the than University Secretary, Charles Barugahare, protested to the than ULC secretary.

"This land is the property of Makerere University, which is the registered proprietor of the said land. It, therefore, defeats the understanding of the real property laws and ownership when you, a responsible officer of the government, can go ahead and commit such illegality in broad daylight without the courtesy of even liaising with the University Council," he wrote.

Barugahare demanded that ULB rescinds the request to survey the said land with immediate effect. However, ULC did not respond. On February 14, 2018, Barugahare again wrote to Nyombi, reminding him of the illegal survey on Makerere land and wondering why the previous letter was not responded to.

He again called Nyombi's attention to the fact that there were people inspecting and surveying the university land and asked for an official position of ULC. He further warned the minister of lands and ULC against issuing out any form of ownership certificate for the estate.

APPEALS FOR HELP

On April 17, 2018, Prof. William Bazeyo, who was than acting vice-chancellor, wrote to state minister for higher education Dr. John Chrysostom Muyingo, notifying him of the illegal tractor of Makerere land at Katelemwa.

"We intimated that Makerere University, through Makerere Holdings Company, intended to develop it's land. However, despite that, the lands minister has directed to survey off 24 acres of that land and tractor it to other persons. This is contrary to the use that Makerere University wants to put the land to, and it will adversely affect the projects of Makerere University," the letter reads in part.

Bazeyo asked Muyingo to prevail upon Amongi to halt her intended action. On June 19, last year, Apollo Mabaati, a presidential assistant, wrote to KCCA, recommending Tech Solutions to open up the land boundaries on the same land in order to establish whether there is a claim on the land.

On June 27, last year, Jasper Kakooza, the former acting assistant commissioner surveys, and mapping, wrote to Tech Solutions, giving them the go-ahead to survey the land. Kakooza now works as the KCCA senior staff surveyor. In spite of all this, Nyombi wrote to the commissioner surveys and mapping on August 16, 2018, confirming a new list of individuals and companies that had been allocated land.

Each of these was given a five-year lease. When asked, Nyombi denied any wrongdoing. "Every Katelemwa land distribution we did was in accordance with the law. All minutes are available at the ULC," he said. However, when Sunday Vision visited the

ULC offices to access the minutes, the file was missing. The attendant said it could not be traced.

MAKERERE FIGHTS BACK

On November 27, 2018, the Makerere University chancellor Barnabas Nawangwe petitioned Janet Museveni over the grabbing of university land. "Honourable minister, during the commissioning of the Rwendeire Report on December 2017, H.E the President emphasized the importance of protecting the university land and properties.

"The university, with the support from Uganda Police Force and Internal Security Organisation, subsequently set up a task force to update the inventory and status of the university land as well as suggest a way forward. The report of the task force is now ready for action matrix on the way forward has been proposed."

Sunday Vision has noted that last year, Makerere officially reported cases of criminal trespass at Katalemwa and several other areas. The cases were registered as Criminal Investigations Directorate (CID) at the Land Police Protection Unit (LPPU) GEF: 86/2019, Kawempe CRB285/2019, CID LPPU 111/2019, Kanyanya CRB 124/2019 and MUK CRB 37/2019.

On November 12, last year, Williams Waigo, wrote on behalf of the LPPU commandant to university secretary, Yusuf Kiranda, indicating that the directorate had taken over the inquiries of the respective Police files relating to cases of criminal trespass from Kawempe Police Station, Kanyanya Police Station, and Makerere University Police Station.

Waigo informed Makerere that the Police were ready to inspect the lands that had been encroached upon. When Sunday Vision visited the land in question, private individuals had taken over part of it and established a garage in the middle of the residential estate.

This story was done with support from the Democratic Governance Facility.

Thirdly, corporate governance dictates and laws in 2001 existed but their outcome did not correspond to the intention of their creators and this gave the little knowledgeable officers of the Ministry of Lands then to do their frauds unchecked for even the internal control systems where grossly weak and the management decided to take advantage of the loopholes. On the other hand, Ministry of Lands, Housing and Urban Planning had a tough and aggressive corporate culture. Each decision was based on how to raise the title numbers notwithstanding the legalities involved; norms and ethical values were neglected.

In addition, corporate culture was based on mistrust. Management purposely kept divisions separate and independent from each other in order to increase competition and achieve better results. Further, nobody was able to get a big picture of Ministry of Lands and understand its complex structures. The boys at the Buganda Land Board took advantage of these weak systems connived with the already

built fraud systems of the Ministry of Lands, Housing and Urban Development and entertained Uganda to a white collar land titling and title forging spree that you will enjoy as you progress with this book. This was done with the thought that these seemingly complex fraud schemes would never be discovered but we have done and the world that has no time and resources will enjoy understanding the fraud underlying the Buganda Land Board and the Ministry of Lands through this publication. This book gives an analysis of the white collar crime conducted by the Mengo boys and the officers of the Ministry of Lands, Housing and Urban Planning. In this book you will be exposed to content that is unique and sufficiently and appropriately amplifies that land grabbing and the title forging that is done by Uganda's celebrities and the people that society carries with high regard is rampant and will soon be an accepted norm if the country's leadership does not become serious with these matters.

While each corporation is governed by state statute and no state has legal requirements to be eligible for board of director membership, each board of directors has at least the following three functions. First of all, the board of directors is responsible for lending an air of legitimacy to the corporation. While this is a passive function, it is important that the company have a board made up of people with some prestige attached to their name. They ought to be people with expertise and experience in business. Their involvement ought

to lend a level of confidence to the enterprise and those who purchase stock in it. But it is vital to remember that this is not where board responsibility ends.

The second function is focused on auditing and legal requirements. The board is entrusted with the duty of ensuring that any information given to stockholders, the public, and the government is accurate. Auditing oversight is usually completed by an auditing committee, which is a subset of the board. The entire board is responsible to ensure that every legal requirement is met. Neither of these is a simple task. Both require a high level of specialization in finance and law. Those on the auditing committee certainly must be able to read a financial report with the eye of an expert who is able to discern the location and depth of trouble spots, which threaten the vitality of the company.

The third is more of a directorial role. The corporate board of directors is expected to determine, modify, and approve a business plan. Obviously, corporate executives are responsible for entering into dialogue with the board, framing the discussion, giving input and implementing board decisions. This may be one of the more difficult aspects of being a board member in a corporation with thousands of employees, projects that extend around the world, and a level of complexity that few can master. The difficulty is one of knowledge. It is far more difficult work now than it was for those who made up the board of Alexander Hamilton's

corporation. But the primary legal responsibility for the direction of the company remains in the hands of the board of directors.

White-collar crime is traditionally associated with high status and respectable offenders: the 'crimes of the powerful' and corporate crime. However, examination of one group of white-collar offences reveals that offenders were typically small businesses, employees, and those more properly described as 'criminal businesses'. While this could be attributed to the 'immunity' of the corporate offender from prosecution, it can be argued that such patterns of offending reflect not only enforcement policies but also wider structural and market factors. Thus, analyses of economic and white-collar crime may concentrate overmuch on the corporate offender, and make over simplistic distinctions between 'corporate' and other varieties of white-collar offending. White-collar crime is illegal acts that violate responsibility or public trust for personal or organizational gain. It is one or a series of acts committed by non-physical means and by concealment to obtain money or property, or to obtain business or personal advantage. White-collar crime is a unique area of criminology due to its atypical association with societal influence compared to other types of criminal offenses. White-collar crime is defined in its relationship to status, opportunity, and access. This is the offender-based perspective. In contrast, offense-based approaches to white-collar crime emphasize

the actions and nature of the illegal act as the defining agent. The white-collar offender is a person of respectability and high social status who commits financial crime in the course of his or her occupation. In the offender-based perspective, white-collar criminals tend to possess many characteristics that are consistent with expectations of high status in society. White-collar offenders display both attained status and ascribed status. Attained status refers to status that is accrued over time and with some degree of effort, such as education and income. Ascribed status refers to status that does not require any specific action or merit, but rather is based on more physically observable characteristics, such as race, age, and gender. The main offender characteristics remain privilege and upper class. Early perception studies suggest that the public think that white-collar crime is not as serious as other forms of crime. Most people think that street criminals should receive harsher punishments but this is not true. In the case of the Buganda Land Board, over 135000 forged titles have been made by the fraudsters that you will see below and if each title was sold ay Ugx 1,000,000 the value of the fraud for the 135,000 is 135,000,000,000 shillings and if you would ask yourself where the proceeds of these frauds are it would not be easy for Charles Peter Mayiga to tell. The Uganda Government under President Museveni has not yet seen the risk that is posed to the economy arising out of the fraud done by the people in

Buganda Land Board and none of the Ugandan Investigative Agencies has paid keen interest to it so we chose to show the world. With over Ugx 135,000,000,000 in the hands of the people at the Buganda Land Board and not traced to the Ugandan financial system. There is need for people charged with investing Global Financial Money Laundering to be concerned and given the fragile nature of Uganda's political history there is urgent need for security agencies to be concerned. This publication opens you to the fraud done by the people whose photographs appear below who fraudulently connived to forge titles and then sell the land to the unsuspecting public. Please take note of the fraudsters below. Apparently, the responsibility and the execution of these accounting and business practices can be traced back to several people. Involved parties and their functions will be listed subsequently as you read this book further.

Martin Kasekende Minister of Lands Buganda and previously strategic Manager at the Rotary Club of Muyenga and Strategic Manager at the SWICO (Statewide Insurance Corporation) of Uganda and previously Board Member of the National Social Security Fund

Martin Kasekende second putting on spects, one-time strategic manager at the Uganda Clays

Charles Peter Mayiga and David Kyewalabye Male, the Chief Executives of the Buganda Kingdom

Firstly, Martin Kasekende as Minister of Lands for the Buganda Kingdom and Charles Peter Mayiga as CEO. Both were focused primarily on increasing the monetary value for themselves and not the Buganda Kingdom value as well as decimating the members of the Royal Family and the traditional landlord's expectations that derive their land rights genuinely from the Registration of Titles Act, Cap 230 expectations. Neither of them cared about lying to investors, shareholders, employees or other stakeholder. Both Martin Kasekende as Minister of Lands for the Buganda Kingdom and Charles Peter Mayiga were heavily involved in the scandal and

one might even accuse them of having been the ones pulling the strings.

Apollo Nelson Makubuya

Another big party contributing to the scandal were lawyers signing off Buganda Land Board's (partially illegal) contracts that backed the titles forged by the Ministry of Lands, Housing and Urban development. Buganda Land Board's law person was in particular Apollo Nelson Makubuya of MMAKS Advocates and strategic manager of the Equity Bank of Uganda. It was an advantageous relation since Apollo Nelson Makubuya of MMAKS was in a conflict of interest: Buganda Land Board was its largest client and if he had resisted to sign off some contracts he would have probably lost their biggest

and most profitable client. His services where supported by a number of lawyers who included but are not limited to David Mpanga and Medard Segona who took fort as and when contracted. These will be seen in the litigations that involved the case of **Kalemera v The Kabaka of Buganda & Anor (MISC. APPLICATION NO. 1086 OF 2017) [2017] UGHCLD 10 (10 August 2017);**

David Mpanga and Apollo Nelson Makubuya

Many people will feel bad when such facts are portrayed and would want to take it as hate speech. We should note that from our company law the directors of companies are not supposed to derive selfish advantage over the companies

within which they run. This is known as insider dealing. According to the Company's Act 2012, the directors must act in a manner to avoid the conflicts of his own interest to that of the company. This applies to such kind of situation like the exploitation of the property, information or available opportunity of the company and the way in which the company can or cannot take any benefit of such opportunity, information or property. This duty of the director is based on two equitable principles, the non-conflict and the no profit rules and it treats the no profit rules as a part of the non-conflict rule. Lord Herschell said regarding the conflict of interest in the case of **Bray v Ford: HL 1896, [1895-99] All ER Rep 1011, [1896] AC 44, Coram: Lord Herschell, Lord Halsbury LC** as the following,

"It is an inflexible rule of a Court of Equity that a person in a fiduciary position, such as the respondent's, is not, unless otherwise expressly provided, entitled to make a profit; he is not allowed to put himself in a position where his interest and duty conflict."

Ratio: An appellate court's power to order a new trial is conditional on 'some substantial wrong or miscarriage' being established.

Lord Hershell said: '**It is an inflexible rule of the court of equity that a person in a fiduciary position, such as the plaintiff's, is not, unless otherwise expressly provided,**

entitled to make a profit; he is not allowed to put himself in a position where his interest and duty conflict. It does not appear to me that this rule is, as has been said, founded upon principles of morality. I regard it rather as based on the consideration that, human nature being what it is, there is danger, in such circumstances, of the person holding a fiduciary position being swayed by interest rather than by duty, and thus prejudicing those whom he was bound to protect. It has, therefore, been deemed expedient to lay down this positive rule. But I am satisfied that it might be departed from in many cases, without any breach of morality, without any wrong being inflicted, and without any consciousness of wrong-doing. Indeed, it is obvious that it might sometimes be to the advantage of the beneficiaries that their trustee should act for them professionally rather than a stranger, even though the trustee were paid for his services.'

Lord Halsbury LC: **What was required was something sufficiently serious to render the decision of the jury unsafe amounting to 'a substantial wrong' in which 'the defendant was not permitted to present his case to the jury with the argument that his original complaint was true'.**

Lord Herschell discussed the approach to damages in defamation cases: 'The damages cannot be measured by any standard known to the law; they must be determined by a

consideration of all the circumstances of the case, viewed in the light of the law applicable to them. The latitude is very wide. It would often be impossible to say that the verdict was a wrong one, whether the damages were assessed at andpound;500 or and pound; 1,000.'

Jurisdiction: England and Wales

This case is cited by:

Cited – **Phipps v Boardman HL ([1966] 3 All ER 721, [1967] 2 AC 46, Bailii, [1966] UKHL 2)**

A trustee has a duty to exploit any available opportunity for the trust. 'Rules of equity have to be applied to such a great diversity of circumstances that they can be stated only in the most general terms and applied with particular attention to . .

Cited – **White v White CA (Bailii, [2001] EWCA Civ 955)**

A family had occupied a council house. They purchased the property under the right to buy scheme, with financial assistance from a son, who having paid the mortgage was to allow his parents to live in the house, but then it was to become his.

Cited – **Newgate Stud Company, Newgate Stud Farm Llc v Anthony Penfold, Penfold Bloodstock Limited ChD ([2004] EWHC 2993 (Ch), Bailii)**

The claimants sought damages from the defendant. He had been employed to manage their horse-racing activities, and it

was alleged that he had made secret profits. The defendant denied any dishonesty, saying all matters were known to the deceased.

Cited – **Ratiu, Karmel, Regent House Properties Ltd v Conway CA (Bailii, [2005] EWCA Civ 1302, Times 29-Nov-05)**

The claimant sought damages for defamation. The defendant through their company had accused him acting in such a way as to allow a conflict of interest to arise. They said that he had been invited to act on a proposed purchase but had used the . .

Cited – **Cairns v Modi CA ([2012] WLR(D) 302, Bailii, [2012] EWCA Civ 1382, WLRD, Gazette 31-Oct-12, [2013] EMLR 8, [2013] 1 WLR 1015).**

The Ugandan Public will be suppressed that Apollo Nelson Makubuya and David Kyewalabye Male in total breach of the above did not only forge a title on private mailo land of Daudi Chwa on block 268 Lubowa but they also gave it to themselves in total breach of the dictates of the company's act above. This acts of breach have been explicitly exhibited with the evidence shown below.

Source.https://businessfocus.co.ug/ex-buganda-attorney-general-apollo-makubuya-dragged-to-court-over-shs5bn-land-scandal/

Ex Buganda Attorney General Apollo Makubuya Dragged To Court Over Shs5bn Land Scandal

BusinessFocus ReporterFebruary 19, 2020

Apollo Nelson Makubuya

Former Buganda Kingdom Attorney General and Deputy Katikkiro, Nelson Apollo Makubuya (pictured) has been dragged to the High Court for allegedly stealing land from the former Executive Director of the Kabaka Foundation, Ambassador Matiya Lubega.

Ambassador Lubega is the pioneer Executive Director of Kabaka Ronald Mutebi's charity arm, the Kabaka Foundation.

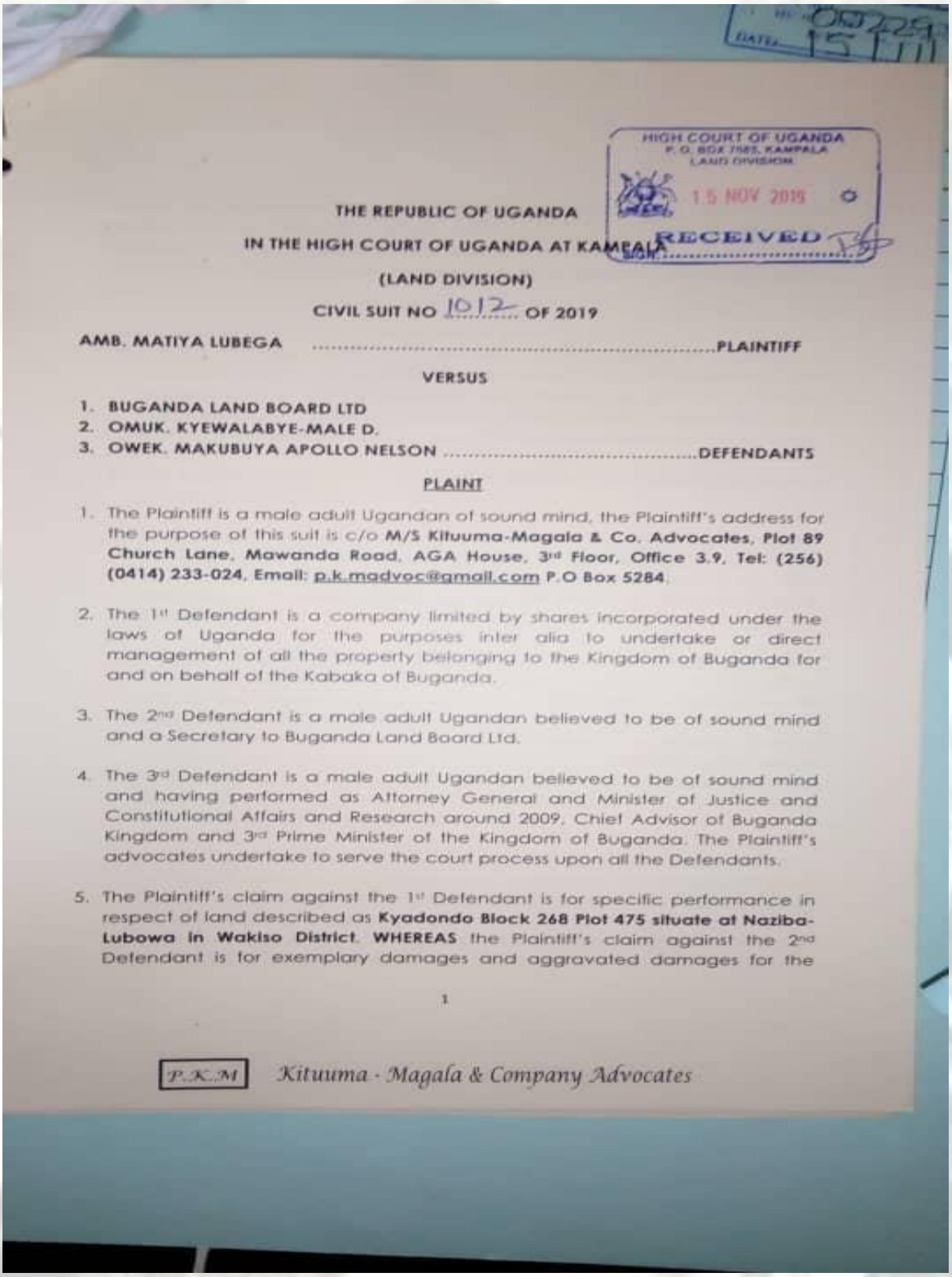
It is said that when Ambassador Lubega retired from active service of the Kabaka, the Kabaka gave him land as a token of appreciation for the work well done and

instructed his attorney, Apollo Makubuya, to transfer the land to him.

Instead, Makubuya transferred the land to himself, defying Kabaka Mutebi's direct orders.

These revelations are contained in court documents which this reporter has seen. Makubuya, who has is also a top Bank of Uganda lawyer is accused together with Buganda Land Board and Omuk. Kiwalabye Male.

Ambassador Lubega filed this case to court after failing over the last many years to have his land returned to him by Buganda Land Board and Makubuya.



HIGH COURT OF UGANDA
P. O. BOX 7085, KAMPALA
LAND DIVISION
15 NOV 2019
RECEIVED

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

CIVIL SUIT NO 1012 OF 2019

AMB. MATIYA LUBEGA .....PLAINTIFF

VERSUS

1. BUGANDA LAND BOARD LTD
2. OMUK. KYEWALABYE-MALE D.
3. OWEK. MAKUBUYA APOLLO NELSON .....DEFENDANTS

PLAINT

1. The Plaintiff is a male adult Ugandan of sound mind, the Plaintiff's address for the purpose of this suit is c/o **M/S Kituuma-Magala & Co. Advocates, Plot 89 Church Lane, Mawanda Road, AGA House, 3rd Floor, Office 3.9, Tel: (256) (0414) 233-024, Email: p.k.madvoc@gmail.com P.O Box 5284.**

2. The 1st Defendant is a company limited by shares incorporated under the laws of Uganda for the purposes inter alia to undertake or direct management of all the property belonging to the Kingdom of Buganda for and on behalf of the Kabaka of Buganda.

3. The 2nd Defendant is a male adult Ugandan believed to be of sound mind and a Secretary to Buganda Land Board Ltd.

4. The 3rd Defendant is a male adult Ugandan believed to be of sound mind and having performed as Attorney General and Minister of Justice and Constitutional Affairs and Research around 2009, Chief Advisor of Buganda Kingdom and 3rd Prime Minister of the Kingdom of Buganda. The Plaintiff's advocates undertake to serve the court process upon all the Defendants.

5. The Plaintiff's claim against the 1st Defendant is for specific performance in respect of land described as **Kyadondo Block 268 Plot 475 situate at Naziba-Lubowa in Wakiso District. WHEREAS** the Plaintiff's claim against the 2nd Defendant is for exemplary damages and aggravated damages for the

1

P.K.M Kituuma - Magala & Company Advocates

Documents before Court

distress, inconveniences and breach of trust. **WHEREAS** the Plaintiff's claim against the 3rd Defendant is for mesne profits which the Defendant is believed to have continuously and accumulatively earned from the demised property since 2002, general damages, special damages and costs of the Suit.

6. The facts constituting the cause of action arose as follows:
   a) Around 1995 the Plaintiff was entrusted by the Kabaka of Buganda to constitute and found the **KABAKA FOUNDATION** as a Charitable Trust and registered as a **Non-Government Organization** to institute, promote, encourage and support cultural, educational, literacy, economical, and charitable projects for the benefit of the people in Buganda and Uganda.

   b) The Plaintiff diligently and successfully founded the Kabaka Foundation and led it as the Executive Director.

   c) The Kabaka of Buganda in his wisdom and authority rewarded the Plaintiff for his diligent work as Executive Director of the Kabaka Foundation by directing the Buganda Land Board to allocate to the Plaintiff the land described as ***Kyadondo Block 268 Plot 475 situate at Naziba-Lubowa in Wakiso District***.

   d) Around November 2005, the Deputy Katikkiro and Minister for Land, Properties and Buganda Land Board Affairs wrote to the then Secretary, **Levi Zimbe**, directing him to formally confirm that S**SAABASAJJA THE KABAKA OF BUGANDA** had instructed the Buganda Land Board to allocate land at **Lubowa** to the Plaintiff, with specific clarification that the land which had been allocated to the Plaintiff the Board had allocated to other people. Further the same letter had to specifically state that alternative land was to be allocated to the Plaintiff from the land which was in dispute in court with a one **Mr. Munabi**.

   e) Subsequently the Secretary Buganda Land Board, **Levi Zimbe**, wrote to the Plaintiff informing him that as soon as the case touching ***Block 268*** is finalized and immediately the land reverts back to the Buganda Land Board 2 plots were going to be allocated to the Plaintiff. Further in the same letter **Levi Zimbe** nominated the **16th November 2005** as the day to go with the Plaintiff at **Naziba** so that the Plaintiff can choose the 2 plots.

The case is registered under civil suit number 1012 of 2019 of the High Court of Uganda (Land Division).

Ambassador Lubega is represented by Kituuma-Magala and Company Advocates.

The land in question is situated on Block 268 Plot 475 Kyadondo in the upscale Lubowa neighborhood along Entebbe Road. The land is valued at about Shs5.3 billion.

The court documents say that Makubuya, who Kabaka fired recently from his position of Deputy Katikkiro "used his office as Kabaka's attorney to dubiously acquire the land in question."

Ambassador Lubega wants court to issue a declaration that he is the rightful owner of this multi-billion land and Makubuya "defied the executive orders of the Kabaka of Buganda to fraudulently acquire this land."

Ambassador Lubega also wants Makubuya to pay him Shs480m per year for the period he has illegally occupied this land.

Interesting about this is that the Apollo Makubuya and David Kyewalabye Male are carried with very high regard by the Uganda Society yet they seem to be blunt about some of these basis corporate governance basics. All along the operations of the Buganda Kingdom have been run on fraud backed conspiracies that not so many people actually could not discover for they thought all was well. The Mengo Boys also from the " Nkoba Zambogo" exploited this loophole to carry out systematic frauds. Most of the names that you will see

here were one time NKOBA Zambogo boys. These include but are not limited to people like Charles Peter Mayiga, David Kyewalabye Male, Kizito Bashir Juma among others. They have always worked together to carry on conspiracies to defraud.

In criminal law, a conspiracy is an agreement between two or more persons to commit a crime at some time in the future. Criminal law in some countries or for some conspiracies may require that at least one overt act be undertaken in furtherance of that agreement, to constitute an offense. There is no limit on the number participating in the conspiracy and, in most countries, no requirement that any steps have been taken to put the plan into effect (compare attempts which require proximity to the full offense). For the purposes of concurrence, the **actus reus** is a continuing one and parties may join the plot later and incur joint liability and conspiracy can be charged where the co-conspirators have been acquitted or cannot be traced. Finally, repentance by one or more parties does not affect liability (unless, in some cases, it occurs before the parties have committed overt acts) but may reduce their sentence. In the article above that we drew from the dailies above, you see there was a conspiracy of fraud done between Apollo Makubuya and David Kyewalabye Male.

Kizito Bashir Juma

the Head Land Management Department of the Buganda Land Board

Critical to the Buganda Land Board Fraud is Kizito Bashir Juma. Kizito Bashir Juma is very critical to this fraud. He is the operational driver in charge of the identity fraud in the case detailed as **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);**.He is also normally the representative of the Buganda Land Board in legal matters that are in court and his names sounds prominently in the case of **Kalemera v The Kabaka of Buganda & Anor (MISC. APPLICATION NO. 1086 OF 2017) [2017] UGHCLD 10 (10 August 2017);**. Kizito Bashir Juma was previously the District Staff surveyor

of the Ministry of Lands Housing and Urban Development for Nakaseke and later he has taken fort in the same role at Wakiso. He is also the **Head Deputy Managing Director, Operations at Buganda Land Board Limited**. Kizito Bashir Juma features amplified in the fraudulent misrepresentation that occurred in the high court of Uganda in the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);** when by affidavit he swore that his employer the Buganda Land Board did not exist yet he was presenting them in court. Being a district staff surveyor at the Ministry of Lands he works as the liaison of both entities in perpetrating the fraud. A job that he has successfully done is the mess up of the estates of Daudi Chwa and Yusuf Suuna Kiwewa and his works can be greatly seen on the titles for MRV 273 Folio 1 and 2 land at Lubowa Mpigi Buganda Province. Kizito Bashir Juma is also behind the management information system called LAFI that has aided in perpetrating mortgage backed security fraud. This was picked from the dailies vides the article below.

Source https://www.newvision.co.ug/news/1447128/land-electronic-device-launched

The land electronic device launched
By Wilfred Sanya
Added 26th February 2017 05:15 AM

The Land Electronic Card is a smart card that uses Biometric technology to link a client with land details

PIC:Executive Director of Kampala Capital City Authority Jannifer Musisi, Mister of Information Communication Technology Frank Tumwebaze and the Katikiro of Buganda Kingdom Charles Mayiga during the launch of land electronic card Serena Hotel Feb 24 2017.Photo by Wilfred Sanya

The Buganda Kingdom has launched the land electronic card to ease on the malpractices that have made many people to lose their land.

The Katikiro of Buganda Charles Mayiga thanked his majesty the King of Buganda Ronald Mutebi who fore saw the need of protection of land for his people soon after the restoration in 1993.

The Katikiro of Buganda Charles Mayiga centre listens to the Project coordinator Buganda land board electronic card Bashir Kizito Juma (left).This was during the launch at Serena Hotel in Kampala 24 2017.The project is to reduce on the land malpractice. Photo by Wilfred Sanya

During the launch at Serena Hotel in Kampala, Mayiga said the new technology is effective and has been ultized in countries like Japan for many years without being asked for pin codes like on the ATM. He said that the electronic card will ease people on the volumes of papers and allow them to get loans for business.

The Land Electronic Card is a smart card that uses Biometric technology to link a client with land details. It contains body features recorded on the card at the time of registration. The minister of Information, communication and technology (ICT) Frank Tumwebaze said he was

grateful to the Kingdom of Buganda for the first tracking of the use of ICT in their work. "The World is expanding on ICT usage, one should not get worried that ICT is taking away all the jobs. Even in the ICT there is a creation of jobs to have the equipment maintained", he said

Sometimes when people are doing things they never envisage that a time will come when they will be asked to account. The history of white-collar crime draws attention to the intersection of business and the law, and to its interaction with innovation, moral discourse and public perception, as well as with the changing nature of state policies during the past two centuries. Daniel Defoe observed in the early eighteenth century that 'every Degree of Business' has 'its Invitation to do Evil: 1. Necessity tempts the poor Man. 2. Avarice tempts the rich'.1 Today, hardly a day passes without the media reporting on alleged professional misconduct and crimes of corporate executives. The large-scale deployment of police and public prosecutors to conduct searches of company headquarters, judicial bodies cooperating transnationally to expose criminal practices, record fines, arrest of managers, and court proceedings that echo around the globe: all of this has become everyday news and this book is going to make it very amplified to Ugandans that desire to find out how fraud has been done by the Mengo boys with evidence and analytical science for each path that we stroll.

The privileged position of white-collar criminals is the result of several factors. Their offences are especially difficult to prosecute because the perpetrators use sophisticated means to conceal them. They can also often afford the best lawyers

and have the political clout to influence the legislative process to their advantage and, if need be, to bribe prosecutors and judges. Additionally, the class bias of the courts works to their benefit. The law is often seen as not binding, as least not for and by economic elites. Sutherland quoted a fraudster, who described the criminal law of the USA in the following words:

Law is like a cobweb; it's made for flies and the smaller kinds of insects, so to speak, but lets the big bumblebees break through. When technicalities of the law stood in my way, I have always been able to brush them aside easy as anything.

'White-collar crime' is 'committed by a person of respectability and high social status in the course of his occupation'.9 Even though lower-level employees like accountants or traders occasionally cause colossal damages – **like Nick Leeson who brought down Barings Bank in 1995** – defendants typically are not members of the lower classes. Instead they have attended good schools and very often prestigious universities, have no previous criminal record, and possess all the characteristics of the middle to upper middle classes. This defines the People like Kizito Bashir Juma. Many people will want to believe that the goon is not fraudster but being an analytical brain I have always asked myself why Kizito Bashir Juma had to make the following pronouncement in the dailies and the volumes of land he owned on which he owned

tenants which is one of the reasons that triggered this investigation. See below.

Source. https://observer.ug/news-headlines/38065-buganda-registers-all-bibanja-owners

Buganda registers all bibanja owners

May 29, 2015Written by Sadab Kitatta Kaaya

Buganda Kingdom's efforts to take control of its land which is in the hands of various local governments has been hampered by the indifference of district officials.

About a year ago, the central government returned 213 titles to Buganda Kingdom. However, Buganda is yet to take possession of these properties because district land boards are reluctant to hand over to the Buganda Land Board (BLB), records of transactions made on the land before it was handed back to Kabaka Ronald Muwenda Mutebi in April 2014.

"The district land boards have not been co-operative because they know that they gave away a lot of land illegally," Buganda Land Board acting chief executive officer, Bashir Juma Kizito, said on Tuesday, while briefing journalists about the planned mass registration of bibanja holders (tenants) on Kabaka's land. The exercise, which kicks off on June 1, aims to streamline land ownership in Buganda.

Kizito said: "Because they want to cover up their fraud, they have refused to give us records of the transactions, and some DLBs like Masaka are already engaged in forgeries and backdating the titles."

Kizito added that Luweero and Mpigi are reported to have similar problems. Consequently, Buganda Land Board has embarked on an exercise to survey land comprised in the 213 land titles that the government returned to the kingdom.

“The exercise has already started in Kyaggwe (Mukono and Buikwe), Ssese (Kalangala islands) and Busiro (parts of Wakiso), and is geared at having all the kingdom land in all the counties surveyed by the end of the 2015/16 financial year,” Kizito said.

BIBANJA HOLDERS

Buganda Land Board’s mandate covers more than 600 square miles of land in Buganda with an estimated occupancy of more than one million tenants. Guided by the kingdom’s land management policy and the national land policy, BLB is embarking on the identification of bibanja owners on the land largely to encourage them to regularize their tenancy.

The exercise is to be launched in Mukono and Buikwe districts (Kyaggwe) before rolling out to other parts of the kingdom.

“The objective is to provide an opportunity for bibanja holders to document their ownership, and to provide for planning and guided land utilization,” Kizito explained.

To register, bibanja holders will be required to present documented proof of ownership such as sale agreements, wills or donation deeds. This will be in addition to three passport photos, a sketch map of their respective kibanja and Shs 100,000.

sadabkk@observer.ug

Economic crimes are illegal acts in which offenders' principal motivation is economic gain. Individuals, groups of people or corporations purposively act in an illegal manner to secure financial returns that cannot be collected by legal means. Indeed, from the article above people had to ask themselves where this boy was getting the mandate to make such pronouncements when he does not own any land. What the public had to ask themselves is where he was going to get the parent title from when he owns no vast chunks of land in Uganda. White-collar crime is generally non-violent, at least in terms of direct, physical violence. It takes place in the context of regular, non-criminal business transactions and is very often not the central business model itself. White-collar criminals often spend most of their time with perfectly sound and legitimate businesses. Although there can be a certain overlap with 'organized crime', whose core methods involve the use or the threat of physical violence, we suggest keeping the two phenomena separate. Mafia and other such groups are formed primarily as criminal organizations operating in illegal markets while 'normal' corporations are founded as legitimate institutions, publish business reports, work with the authorities, and pay taxes. Moreover, they operate mainly in legal markets and do not regard violence as standard operating procedure. Kizito Bashir Juma helped aid the fraud that underlies the performance of the Buganda Land Board forged titles and it's about time the man accounts for his sins.

Everyone will wonder why it took so Long for the internal security organization (ISO Uganda) to discover the fraud done by the Buganda Land Board. It's a fine line between unethical behavior and criminal conduct. The biggest challenge of the investigation was identifying the fraud and then who was responsible for it.

"You see, there's a fine line between unethical behavior and criminal conduct. It's a very fine line," "And to charge somebody with a crime or to convict someone, we have to show two things: we have to show they have criminal intent. So, proving criminal intent can sometimes be difficult. So criminal intent and then also they have to violate a criminal statute." I am quite sure that change has come now and the land grabbing and title forging done by the Buganda Land Board people has been exposed. This is new sweep of change and the guards at the Buganda Kingdom are at the verge of being arrested if the Ugandan security agencies are to be taken seriously both locally and globally. I think that the best kind of change, is the change that comes from the inside and begins it's way out until it emerges on the outside; a change that is born underneath then continues and spreads until it has reached the surface. That's a true change. A powerful change. And I have found that while we are emerging, changing into something glorious; it is actually us becoming who we really are. We must abandon completely the notion of blaming the past for any kind of situation we're in and reverse our

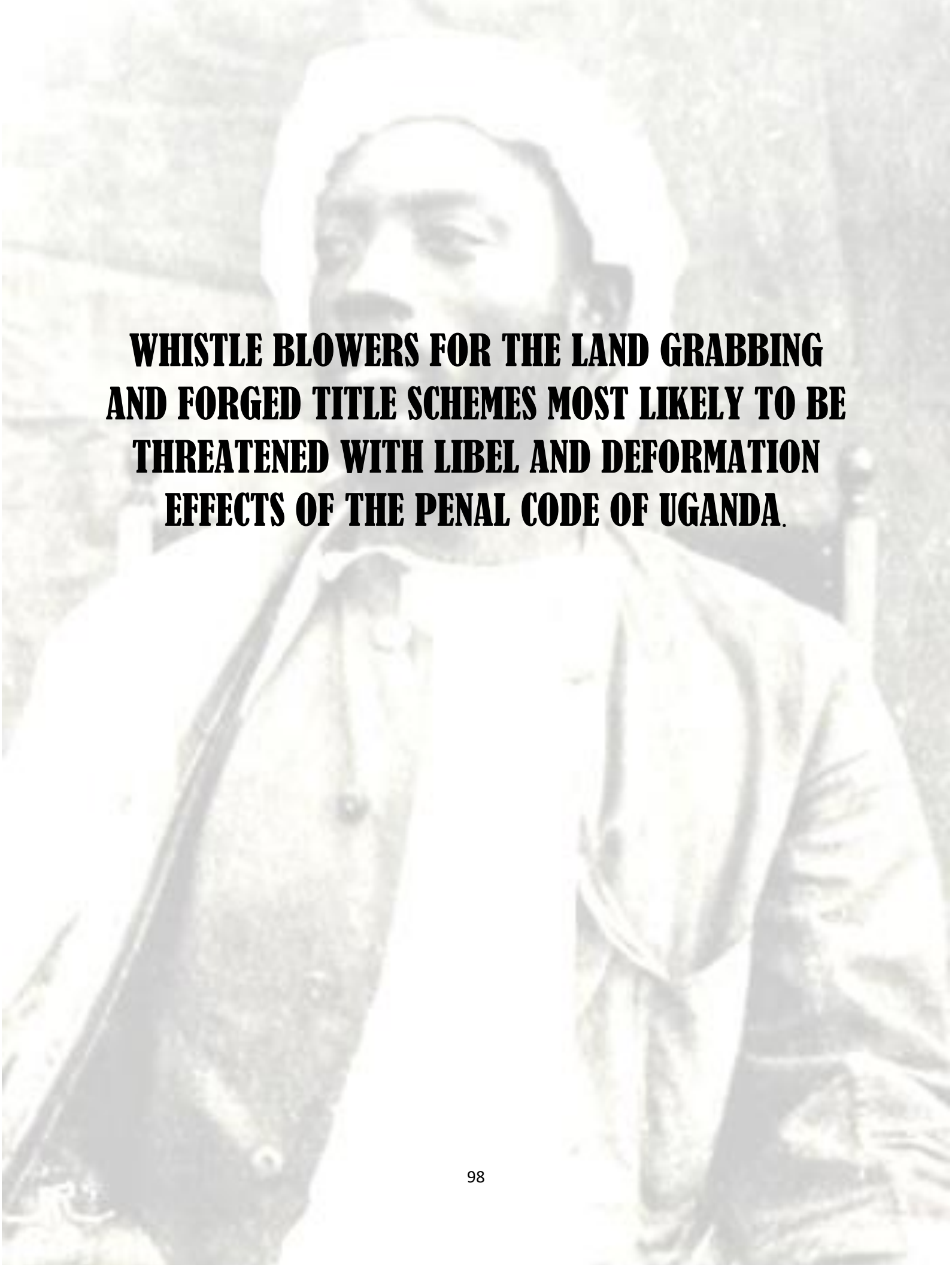
thinking and see that the past always flows back form the present. That now is the creative point of life. So you see it's like the idea of forgiving somebody, you change the meaning of the past by doing that...Also watch the flow of music. The melody as its expressed is changed by notes that come later. Just as the meaning of a sentence...you wait till later to find out what the sentence means...The present is always changing the past and this is what the Ugandan Politicians and technocrats have to appreciate if they want a lasting situation to ending land grabbing and forged titling. Its critical to investigate the boys in Buganda Land Board and their cronies that they do title business with and you will get to the core of title forgery in Uganda, short of that there will always be firefighting and in the end we are most likely going to face a strife that we see in the middle east today about land grabbing.

For this to be done the Government of Uganda needs to show commitment in protecting whistle blowers who put out such information in the public and ensure they are legally protected and investigations are done. With the information being given by the whistle blowers I am sure that the Uganda Police will exploit the dictates in the penal code and will together with the fraudsters seek solace from the penal code under the effects of libel and deformation.

Finally, there should be a healthy corporate culture in a company. In Buganda Land Board's case, its corporate culture

played an important role of its collapse. The senior executives believed Buganda Land Board' had to be the best at everything it did and the shareholders of the board, who were not involved in this scandal, were over optimistic about Buganda Land Board's operating conditions. When there existed failures and losses in their company performance, what they did was covering up their losses in order to protect their reputations instead of trying to do something to make it correct. The "to-good-to-be-true" should be paid more attention by directors of board in a company. A more complete system is needed for owners of a company to supervise the executives and operators and then get the idea of the company's operating situation. There is no doubt that more governance from the board may keep Buganda Land Board' from falling to bankruptcy. The boards of directors should pay closer attention on the behavior

of management and the way of making money. In addition, Buganda Land Board's fall also had strikingly bad influence on the whole Ugandan economy. Maybe the government also should make better regulations or rules in the economy.



WHISTLE BLOWERS FOR THE LAND GRABBING AND FORGED TITLE SCHEMES MOST LIKELY TO BE THREATENED WITH LIBEL AND DEFORMATION EFFECTS OF THE PENAL CODE OF UGANDA.

In Black's Law Dictionary 8th Edition a defamatory statement means one that tends to injure the reputation of a person referred to in it. The statement is likely to lower that person in the estimation of reasonable people and in particular to cause that person to be regarded with feelings of hatred, contempt, ridicule, fear or dislike. The test used to determine whether a statement is capable of giving defamatory meaning was discussed in the case of **A.K. Oils & Fats (U) Ltd Vs Bidco Uganda Limited HCCS No. 715 of 2005** where Bamwine J (as he then was) relied on **Sim vs Stretch [1936] 2 ALL ER 123 A.C,** where Lord Atkin held that the conventional phrase **"exposing the plaintiff to hatred, ridicule and contempt"** is probably too narrow. The question is complicated by having to consider the person and class of persons whose reaction to the publication is the test of the wrongful character of the words used. He proposed in that case the test: "would the words tend to lower the plaintiff in the estimation of the right thinking members of society generally? This position has been adopted with approval in Uganda in Honourable Justice **Peter Onega Vs John Jaramoji Oloya HCCS No. 114 of 2009.**

In this case this court will be satisfied on a balance of probabilities that the statements complained of are defamatory because the people that are running the Buganda Kingdom and the Buganda Land being the administrators of the Buganda Kingdom with all its populace has a sensitive

reputation which naturally would be harmed by any sort of allegation that they are dishonest and conniving persons who do not care about the private mailo landlord's rights. Though the whistle blowers about that fraud that is being done by the Buganda Land Board and the Buganda Kingdom attempts to deny ever causing the publication complained of, it is clear that they have always communicated the fraud done by the Buganda Land Board technocrats and with trite evidence and where the evidence is shown and is not intended to vexatious but communicative of the legal breach, this in a right thinking person's opnion would not amount to deformation. For example Chapter 247 of the Laws of Uganda (Traditional Rulers (Restitution of Assets and Properties) Act 1993) states that,"……. **In the case of traditional rulers other than the traditional ruler of Buganda, the Government shall hold negotiations with the traditional rulers concerned with a view to returning to them such assets and properties as may be agreed…**……." implies that for the restitution of the assets to be done for the Buganda Confiscated properties there will be no need for a meeting between the Kabaka of Buganda , Ronald Muwenda Mutebi and the President of Uganda to have it affected. So based on the prior legal presents, an expression that the meeting between the President of Uganda Yoweri Kagutta Museveni and the Kabaka of Buganda to return the titles was indeed illegal and bringing this to their attention would hurt them but they did so in legal

breach and the proceeds of such actions would be illegal. This would sound angering to them as important people but could not be referred to as libel and deformation. The deal that is expressed in the dailies which we will share in the story subsequent was done in breach of the Chapter 247 legal maxim that states that,"……. In the case of traditional rulers other than the traditional ruler of Buganda, the Government shall hold negotiations with the traditional rulers concerned with a view to returning to them such assets and properties as may be agreed……." Indeed in the case of **Mayanja Hussein v Mubiru Christopher (CIVIL SUIT NO. 0129 OF 2010) [2018] UGHCCD 29 (2 May 2018);**it was stated that,"……. that Court cannot sanction what is illegal and an illegality once brought to the attention of the Court overrides all questions of pleadings including admissions made thereon……" emphasizing the ruling in **Makula International Ltd. versus H. E. Cardinal Nsubuga & Anor (1982) HCB II. National Social Security Fund & Anor versus Alcon International Ltd. SCCS No.15/2009 when Odoki CJ (as he then was) held that;**

"One of the principles of law is that as long as there is an illegality, it can be raised at any time as a Court of law cannot sanction that which is illegal".

"If any part of a single consideration for one or more objects, or of several considerations for a single object, is unlawful, the entire contract is void." "This principle is deducible from all the cases taken together, though not to be found thus stated in any one case. Thus there is no doubt that, if the consideration is single, or in other words indivisible, its partial illegality is fatal to the contract. So we need to agree that nothing legal can stem out of an illegality and with the above presents in play the information given below was a proceed of an illegality and putting these facts on ground in place would not dictate that the communicator is libelous and defirmative. Here is the evidence of the breach of Chapter 247 of the laws of Uganda by the Kabaka of Buganda and President Museveni.

SOURCE.
https://www.newvision.co.ug/news/1328211/museveni-kabaka-deal-excites-buganda-leaders

By Moses Mulondo and Norman Katende

A cross section of leaders in Buganda have reacted to the agreement that has been signed by President Museveni and the Kabaka of Buganda, Ronald Muwenda Mutebi saying it is a ray of hope for a new Uganda.

Speaking on his Impact radio Sunday, the Born Again leader Dr. Joseph Serwadda expressed excitement and even knelt down in

the studio to convey his gratitude for this historic agreement the two leaders had reached.

“This is a prophetic sign of dawn of a new era of reconciliation in Uganda which we have been praying for. If our leaders continue in this path of reconciliation and mutual respect for one another, Uganda has a bright future,” Serwadda explained.

He prayed that God gives both the President and the Kabaka the wisdom to lead people according to God’s principles and values of righteousness, justice and love.

The spokesperson for the Uganda Supreme Council,Nsereko Mutumba, said, “We are happy and excited about the memorundum of understanding. Both sides have at last realised that it is not about antagonism or force but only talks and seeking peaceful solutions that will take this country ahead. It is a new chapter where peace will replace violence and we have to know that violence only injures and affects the innocent so we need to move away and stop it. Let us all take this example and advocate for peace.”

Msgr Fr. Wynad Katende (Kampala Arch Diocese) said, “The church has always been clear on this, we have always called upon the Government to give back what belongs to Buganda and it is good that the voices of the people have been heard. This is the only way we can have equality by each person having what is meant for him. We are praying that the memorandum is implemented to the dot and we all build on this to build both Buganda and Uganda.”

Bishop Edison Matovu (Central Buganda Diocese) said,

“Buganda and Uganda are two most important people and the Bible in Amos 3:8 asks whether two can walk together unless they have agreed on the direction and in this memorandum, we have seen that both Buganda and Uganda have agreed to walk together and we need to support it. It has come at the right time and the challenge is for both parties not to only honour it but to utilize it so that it can cause development in their subjects. Let us respect it as that is the only way we will move forward.”

Works and transport minister Eng. Abraham Byandaala said, “This is a very wonderful development in the political history of Uganda. I am a great believer in dialogue over all other methods of solving conflicts in society. This is a very good beginning for the new Katikkiro Charles Peter Mayiga. If we continue in that path, everything will be solved.”

Byandaala, who is also the MP for Katikamu North, assured Ugandans that the agreement between the Kabaka and the President is a clear indication that the NRM party is a party that believes in peace and dialogue.

“I assure Mengo and all other communities in Uganda that NRM is ready to discuss with anyone on any issue for amicable settlement,” Byandaala promised. He however appealed to the Baganda to be patient because the agreement would be implemented in phases.

“This is not an agreement that can be implemented in a short period of time. Some local governments have to be relocated. We have to take stock of whatever belongs to Buganda and who the current occupants are,” he explained.

Former Prime Minister Apolo Nsibambi who also once a minister in Kabaka's cabinet, said, "I was the chief negotiator in the initial return of some assets and therefore returning the remaining assets is a most welcome move by the president. And also allowing the Kabaka to freely move in his counties is also very good because this problem had soured the relationship between many Baganda and the central government."

Nsibambi said the commitment on behalf of Buganda kingdom to respect the cultures of other tribes within the kingdom is also good for harmonious co-existence.

Giving advice to all leaders, Nsibambi said, "It is essential and for the good of the country for the Uganda leadership and the Kabaka's leadership to work closely and all political leaders must realize that negotiation is the only practical way of solving political differences."

The NRM Vice Chairman for Buganda region, Hajji Abdu Nadduli said, "The central government is simply returning what it had stolen from Buganda and this is long overdue. Each of the 18 counties' (Masaza) land returned has 8 square miles. Each of the sub-counties (Magombolola) has 48 acres. The official land in towns and rural areas is also a lot. We are happy."

He advised Mengo to accept the regional tier government which the central government offered to make good use of the administrative structures and land that has been returned.

On the compensation of Buganda for the Mutesa house in Londo which Dr. Milton Obote had sold, Nadduli said, "The best thing to do is for government to purchase for Buganda another house in

London to serve the same purpose which that house was serving as a hostel for the Baganda students in Britain."

Former Kampala mayor and DP president, John Ssebaana Kizito said, "I liked it and I think it is a good beginning for a new Uganda. It is an indication that the central government is beginning to listen to the genuine demands of Ugandans."

DP legal advisor Fred Mukasa Mbidde said, 'It is a good gesture that Buganda's issues are getting to be solved without any ridicule and self importance by either side. May major pre-occupation has now shifted on what is remaining. Uganda can exist peacefully under the principle of equal opportunities and power sharing."

The Uganda Peoples Congress leaders (UPC) who are blamed for the confiscation of Buganda's property in 1966, are also happy for what has happened.

"There is no reason why the central government has taken so long to return these things. It did not require any negotiations," said the UPC Vice President Fred Bbosa.

On whether UPC regrets what happened in 1966, Bbosa said, "UPC is not responsible for the 1966 crisis. UPC never sat down in any of its organs as a party to decide to attack Mengo. These were decisions done by Obote as an individual. Even UPC leaders from outside Buganda were not happy. Some people always act bigger than the institutions and it is also happening today in the NRM."

Fisheries minister Ruth Nankabirwa who is also the woman MP for Kiboga said, "It is a step in the right direction. It is a good

gesture.
These are issues which to me are easy to solve. It just requires commitment for the implementation."

On allowing the Kabaka to freely move in his counties, Nankabirwa said, "The reason he had been stopped is because government did not want him to be embarrassed by those opposed to him. But now these people have been sensitized and security will be given to the Kabaka wherever he goes."

Wakiso woman MP Rosemary Sseninde said, "As Buganda MPs that is what we have been pushing for. I request government to implement that agreement. I request the Baganda to be appreciative to the President for what he has done. It is unfortunate that some of them heckled him in Lubiri."

Makerere University political scientist Dr. Aaron Mukwaya said, "My view is that the matter was over protracted by the central government. These properties should have been returned long ago. The return of those structures will make more sense if Buganda government is given some federal autonomy to make good use of those resources."

Museveni - Kabaka deal excites Buganda leaders

People must be careful before they speak. Before they publish allegations they must have the evidence to back up whatever perceptions or opinions they have about another. If the court condones the conduct of the defendant against the

plaintiff, then persons of good repute will suffer at the mercy of reckless speakers who have audience and this kind of reasoning will be trite for proving libel and defirmation.

Lord Atkin in Sim vs Stretch [1936] 2 all E.R 1237 **"a defamatory statement is one which injures the reputation of another by exposing him to hatred, contempt, or ridicule or which tends to lower him in the esteem f right thinking members of society."** Defamation seeks to protect a person's reputation but in the process seeks to have a balance between protecting reputation and upholding the freedom of speech. It was further stated that the gist of defamation must be that the defendant either lowers the claimant in the estimation of reasonable, right thinking members of society or causes such people to shun or to avoid the claimant. That reputation extends to both character of the individual as well as his trade. A statement which only amounts to can insult without causing injury to reputation would not be actionable.

In **Gatley on Libel and Slander, 8th Edition at page 15 paragraph 31:** "The gist of the tort of Libel and slander is the publication of a matter (usually words) conveying a defamatory imputation. A defamatory imputation is one to a man's discredit, or which tends to lower him in the estimation of others, or to expose him to hatred, contempt or ridicule or to injure his reputation in his office, trade or profession, or

to injure his financial credit. The standard of opinion is that of right thinking people generally." Slander is defamatory matter that is in transitory form. It is only actionable on proof of special damages save for exceptional cases where it imputes a serious crime, disease, or attack on professional ability.

Furthermore, under **Section 101 of the Evidence Act,** the burden of proof lies on the party who asserts the affirmative of the issue or question in dispute. And the standard of proof in civil cases is on a balance of probabilities. In the cases involving the Buganda Land Board, it's very clear that the Buganda Land Board formed port 2014 was a proceed of identity fraud that we will explicitly see in the analysis of the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); as a result of the misrepresentations there in done by the Head Land Management, Kizito Bashir Juma who made misrepresentations and contempt of court in that matter.** Much as a defamatory imputation is one to a man's discredit, or which tends to lower him in the estimation of others, or to expose him to hatred, contempt or ridicule or to injure his reputation in his office, trade or profession, or to injure his financial credit, publically communicating the fraud on court, the misrepresentations and the contempt of court that we see in the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20**

February 2014); . We need to note that anyone who brings up a claim that is of criminal nature as a matter of law should do so with clean hands. This is known as the clean hands doctrine. An equitable defense that bars relief to a party who has engaged in inequitable behavior (including fraud, deceit, unconscionability or bad faith) related to the subject matter of that party's claim. The unclean hands doctrine is also known as the "clean hands doctrine" and the "dirty hands doctrine." The unclean hands doctrine typically applies only to equitable claims such as requests for injunctive relief or specific performance, but some jurisdictions permit it as a defense to legal claims as well. General immoral or corrupt conduct is not enough to warrant application of the unclean hands doctrine. To prevail, a party must demonstrate that its opponent engaged in inequitable behavior that is related to the subject matter of the litigation. Indeed in the case before us you will get an explicit analysis of the illegal actions of Kizito Bashir Juma in the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);** .

Others will want to argue that Charles Peter Mayiga is not a fraudster but hell no he is. Not so long ago, boards of directors of large companies were quiescent bodies, virtual rubber stamps for their friends among management who put them there. By the late 1970s, with the general increase in the climate of litigiousness, one out of every nine companies

on the Fortune 500 list saw its directors or officers hit with claims for violation of their legal responsibilities. In a seminal case, the Delaware Supreme Court found that the directors of TransUnion were grossly negligent in accepting a buyout price of $55 per share without sufficient inquiry or advice on the adequacy of the price, a breach of their duty of care owed to the shareholders. The directors were held liable for $23.5 million for this breach. **Smith v. Van Gorkom, 488 A.2d 858 (Del. 1985).** Thus serving as a director or an officer was never free of business risks. Today, the task is fraught with legal risk as well. Two main fiduciary duties apply to both directors and officers: one is a duty of loyalty, the other the duty of care. These duties arise from responsibilities placed upon directors and officers because of their positions within the corporation. The requirements under these duties have been refined over time. Courts and legislatures have both narrowed the duties by defining what is or is not a breach of each duty and have also expanded their scope.

As a fiduciary of the corporation, the director owes his primary loyalty to the corporation and its stockholders, as do the officers and majority shareholders. This responsibility is called the duty of loyalty. When there is a conflict between a director's personal interest and the interest of the corporation, he is legally bound to put the corporation's

interest above his own. We are open to the fact that the directors have to safe guard corporate assets.

In the case before us, the public claims that Charles Peter Mayiga is a lawyer. He was the Chief Executive Officer of the Buganda Kingdom when the case of of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);** happened and as the chief accounting officer he was obliged to take corrective action that would hedge the Kingdom against the fraud that was being done by Kizito Bashir Juma. The above not withstanding he has been very promotive of the kyapa Mungalo fraud scheme and was one of the mortar mouthed defenders of people who questioned it. In the making of the Buganda Land Board through identity fraud Charles Peter Mayiga engaged in the conspiracy to defraud and the fraud on omission. A 'conspiracy to defraud' is a common law offence. It has no precise definition in statute (a piece of law created by parliament) but can be used to prosecute cases relating to a whole array of different facts. To understand what is meant by 'conspiracy to defraud', one must consider the case law (previously determined cases) where the judiciary have defined what it understood parliament's intentions to be.

The offence has been defined in case law as:

Economic loss:

"an agreement by two or more [persons] by dishonesty to deprive a person of something which is his or to which he is or would be or might be entitled [or] an agreement by two or more by dishonesty to injure some proprietary right of his suffices to constitute the offence"

Or,

Non-economic loss:

"an agreement to deceive a person into acting contrary to the duty he owes to his clients or employers".

A person will be guilty of the first offence if they dishonestly make a false representation with intent to gain or cause loss to another, or to expose another to risk of loss. Once again, the offence carries no requirement for actual loss or even the risk of loss, and in fact no requirement of even causing an alleged victim to believe the false representations. Dishonesty is the key. In the case before us to prove the fraud done by Charles Peter Mayiga, simply ask him where the titles that where returned by the President of Uganda are and whether they were returned in line with the principles of the maxim of "Restitutio in Intergrum". Indeed it's evident the man got peoples titles and he has to return them. The evidence is below.

Buganda
Titles

Many people will call it libel if you ask the man where the titles are seven years later for they will look at as defirmatory.

In the case of **Adoko Nekyon vs Tanganyika Standard Ltd, H.C.C.S No. 393 of 1964, Sir Udo Udoma C.J**. as he then was, held:-

"In order to determine whether the article is defamatory and is capable of bearing any of the meanings ascribed to it by the Plaintiff, it is necessary that the article be considered as a whole. It is not sufficient to pick out a phrase here and a sentence there and to conclude from

such phrases and sentences that the article is defamatory."

Picking out few insults from a village quarrel does not constitute defamatory statements in law.

For a 'representation' to be 'false' the maker of the statement must "know that it is, or might be, untrue or misleading". This latter part is designed to catch representations such as the promotion of a scheme involving high-yield investments. In such a case it would be difficult to prove that a defendant knew in advance that a representation was in fact untrue, but easier to show that he was aware that it might be misleading. This offence can be used to prosecute so-called 'boiler room' frauds.

Investigating authorities will look to obtain all possible evidence such as computer records, paperwork, phone records and witness testimony to secure a charge and conviction for libel and defirmation. They need to obtain anything and everything that could prove that there was an agreement between two or more people to defraud a third party and once all this information is brought to the table by the person on whom libel and defirmation is accused the ball game will change and they will be need for the complainant to explain his intentions of misleading court. I am open to the fact that many technocrats involved in the Buganda Land Board fraud will hide under the umbrella of libel so there will be urgent

need to ensure that every statement made or written is backed up by evidence in chief or evidence in pleading just like we have given a brief of the fraud underlying the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);**

S. 179 of the Penal Code Act makes libel a criminal offence punishable by imprisonment thereby restricting the right to freedom of speech which is provided for under **Articles 29(1)(a) of the Constitution.** We need to understand that although freedom of speech is not defined under the said article, 10 the Supreme Court in **Constitutional Appeal No. 2 of 2002, Charles Onyango Obbo & Another Vs. Attorney General** outlined the extent of the freedom of speech. He cited the lead judgement per Mulenga, J.S.C at pages 9 and 10 where the learned Justice stated that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories such as correct opinions, sound ideas or truthful information. If a law criminalized writing, printing and imparting ideas such as **section 179 of the Penal Code Act** does, that law is prima facie inconsistent with **Article 29(1)(a)** of the Constitution.

Section 179 of the Penal Code Act is a restriction permitted under Article 43 of the Constitution as demonstrably necessary in a democratic society, We need to point out that Article 43 has 2 clauses limiting the enjoyment of rights. We

need to agree that no person shall prejudice the enjoyment of the rights and freedoms provided under the Constitution beyond what is acceptable and demonstrably justifiable in a free and democratic society. In the instant case Charles Peter Mayiga and his cronies got peoples mailo land titles and was supposed to return them to them in compliance with the legal maxim of restitution. He did not do so; in a fraud conspiracy under his administration being the Kingdom Chief Executive Officer, he chose through fraud on omission of disclosure to allow the making of a special purpose vehicle through identity fraud called the Buganda Land Board and then sale mutates out of what he does not own. This is illegal and fraudulent.

Article 29(1)(a) does not have specific derogatory clauses other than the general one. The freedom of expression is not observed when the enjoyment thereof prejudices other fundamental human rights.

The 1995 Constitution reputations of persons are not protected specifically or by necessary implication unlike under the 1967 Constitution … and neither is a person's reputation inherent. It is self-created and may be destroyed by others. Learned counsel argued that a person's reputation is protected under the civil law of defamation rather than by criminal prosecution. He cited the case of **Charles Onyango**

Obbo & Another Vs. Attorney General (supra) as the authority for that view. According to him, criminal libel does not protect any

known freedom of any individual other than the reputation of the complainant. But when arguing some of these things we should consider the rights of others too.

Prior to considering the Libel and defirmation we also need to consider the righst of private mailo landlords whose lands where indeed returned in compliance with Chapter 247 of the Laws of Uganda who have upto now not received them from the Mengo Fraudsters and this is the reason that's criticle here. If the titles were correctly returned and then the above statements were made there will be need for the claim of libel but they were not. On property rights, we need to rely on **Article 26 of the Constitution**. As a lawful and registered proprietor of the land, the private and public mailo landlords whose properties where returned had been deprived of his property without compensation contrary to Article 26 of the Constitution, and without being given an opportunity to be heard, contrary to **Article 28 of the Constitution**. We need to agree that far reaching powers that affect individual property ought to be exercised judicially after hearing all parties involved. We need to rely on **RIDGE –Vs- BALDWIN AND OTHERS [1963] 2 ALL ER** for the proposition that a body clothed with powers to decide cannot lawfully proceed without affording the person to be affected with an

opportunity to be heard. in support of his argument and before the Mengo boys come up with libel they should explain where the private and public mailo landlord's titles are.

An analysis of the above provisions of the Constitution points to the principle that although one has a right to own land through one of the systems of land tenure listed in the Constitution, there may be situations which necessitate the government either to take over that land, or to regulate its use for purposes of promoting and protecting the common good of all the people of Uganda but such pronouncements are restricted to first applying effect 26 of the Ugandan Constitution that states that.

".Article 26 states as follows:

(1) "Every person has a right to own property either individually or in association with others.

(2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except when the following conditions are satisfied-

(a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and

(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for-

(i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and

(ii) a right of access to a court of law by any person who has an interest or right over the property."

So when the landlords actually talk about the land grabbing and forged titling that is being done under schemes like Kyapa Mungalo and wetukiire on people's land and people think they will hide under libel and defirmation to perpetuate the fraud in their favor and make it legal they will be legally mistaken.

There some people who would want to restrict the application of chapter 247 of the laws of Uganda to the statute of limitations defense. These are matters to do with real property law. Under our prior case law, it is well-settled that a forged deed or title is void ab initio, meaning a legal nullity at its inception. As such, any encumbrance upon real property based on a forged title or deed is null and void. Therefore, the statute of limitations set forth in the Ugandan statute does not foreclose plaintiff's claim against defendant where issues concern real property. In **Marden v Dorthy**, this Court held that a forged deed was void at its inception, finding it to be a "spurious or fabricated paper" **(160 NY 39, 47 [1899])**, a forgery characterized by "the fraudulent making of a writing to the prejudice of another's rights" **(id. at 53)**. As

Marden noted, a forged deed lacks the voluntariness of conveyance **(see id. at 54)**. Therefore, it holds a unique position in the law; a legal nullity at its creation is never entitled to legal effect because "void things are as no things" **(id. at 56)**.

A forged deed, however, cannot convey good title, and "[i]t is legally impossible for any one [sic] to become a bona fide purchaser of real estate, or a purchaser at all, from one who never had any title, and that is this case" **(id. at 56; see also Yin Wu v Wu, 288 AD2d 104, 105 [1st Dept 2001] ["A forged deed is void and conveys no title"]; 2-15 Warren's Weed New York Real Property § 15.01** ["A purchaser who takes title through a forged deed cannot be a bona fide purchaser, even if the purchaser did not have knowledge of the forgery"]). **New York's rule reflects a general well-established principle of real property law (see e.g. Harding v Ja Laur Corp., 20 Md App 209, 214 [Md Ct Spec App 1974]** ["A forged deed . . . is void ab initio"]; **Scott D. Erler, D.D.S. Profit Sharing Plan v Creative Fin. & Investments, L.L.C., 349 Mont 207, 214 [2009]** ["forged conveyances are void ab initio and do not transfer title"]; **Brock v Yale Mortg. Corp., 287 Ga 849, 852 [2010]** ["we have also long recognized that a forged deed is a nullity and vests no title in a grantee"]; **Akins v Vermast, 150 Or App 236 n 7 [Or Ct App 1997]** "If fraud is 'in factum,' such as a forged deed or a situation analogous to forgery, the deed is void ab initio and

will not support subsequent title in any person"]; **First Nat. Bank in Albuquerque v Enriquez, 96 NM 714, 716 [1981]** ["a forged deed is a void deed and transfers no interest"]; **Williams v Warren, 214 Ark 506, 511 [1949]** ["No one can claim that an estate in land should be divested by forgery"]).

It is similarly true that no property shall be encumbered, including by a mortgagee, in reliance on a forged deed **(see Marden, 160 NY at 51; see also Cruz v Cruz, 37 AD3d 754, 754 [2d Dept 2007]**["A deed based on forgery or obtained by false pretenses is void ab initio, and a mortgage based on such a deed is likewise invalid"]; **Jiles v Archer, 116 AD3d 664, 666 [2d Dept 2014]** ["If a document purportedly conveying a property interest is void, it conveys nothing, and a subsequent bona fide purchaser or bona fide encumbrancer for value receives nothing"]; **2-15 Warren's Weed New York Real Property § 15.09** ["If the conveyance is void, the purchaser or encumbrancer will not enjoy any of the rights of a bona fide purchaser"]; **43A NY Jur 2d Deeds § 218** ["a forged deed is null and void, and conveys nothing, and a purchaser or mortgagee from the grantee, even for value and without notice of the forgery, will not be protected"]).

Given the clarity of our law that a forged deed is void ab initio, and that it is a document without legal capacity to have any effect on ownership rights, the question remains whether a claim challenging a conveyance or encumbrance of real property based on such deed is subject to a time

bar. Our case law permits only one answer: a claim against a forged deed is not subject to a statute of limitations defense.

A forged deed is void, not merely voidable. That legal status cannot be changed, regardless of how long it may take for the forgery to be uncovered. As this Court made clear in **Riverside Syndicate, Inc v Munroe,** a statute of limitations "does not make an agreement that was void at its inception valid by the mere passage of time" **(10 NY3d 18, 24 [2008], citing Pacchiana v Pacchiana, 94 AD2d 721 [2d Dept 1983]). Consequently, plaintiff may seek to vacate the deed and defendant's encumbrance upon the property. If, as plaintiff claims, the deed is a forgery, then it was never valid and therefore claimant lacks title to private mailo landlord's interest in the property based on the "corrected" deed.**

To adopt defendant's position is to permit a forged deed to accomplish, by the mere passage of time, what has always been forbidden — the encumbrance and transfer of title. **Neither law nor public policy nor common sense dictates such outcome. Defendant fails to present a compelling reason to overturn or ignore our prior case law in the area of real property because as we have recognized, "parties in business transactions depend on the certainty of settled rules, 'in real property more than any other area of the law, where established precedents are not lightly to be set**

aside'" (172 **Van Duzer Realty Corp. v Globe Alumni Student Assistance Ass'n, Inc., 24 NY3d 528, 535 [2014], citing Holy Properties Ltd., L.P. v Kenneth Cole Productions, Inc., 87 NY2d 130, 134 [1995])**. No less so with respect to forged deeds, because landowners, banks, mortgagees, insurers, and a myriad of others depend on the simple rule that a forged deed or title is a legal nullity that cannot divest ownership or serve to encumber real property. The people who are willing to whistle blow on the fraud that is being done by the Buganda Land Board through title forgery need to be protected from libel and offensive communication against the Mengo legal shenanigans and this will soon be done when this book is published.

For a person to be indicted for libel, the provocation complained of must be a breach of peace, that is, it must amount to a crime. He cited **Halsbury's Laws of England, 3rd Edition, Vol. 10, para. 501** which is to the effect that for something to amount to a crime, it must be an offence which affects the public. He further cited Rupert Cross on **An Introduction to Criminal Law (4th 10 Edition Chapter I, pages 1 to 2**) which states that a civil wrong is concerned with the rights and duties of individuals whereas criminal law defines duties which a person owes to the society. In his view, the State should not indict a person for a wrong whose redress is provided for by civil courts.

The State should not waste resources by prosecuting libel because in a democratic society those who hold public offices in government and who are responsible for public administration must always be open to criticisms. In this matter we need to rely on the **Judgment of Mulenga, J.S.C. in Constitutional Appeal No. 2 of 2002, Charles Onyango Obbo & Another Vs. Attorney General** as the authority for that view. The Constitution limits the State power to institute both criminal and civil proceedings by a civil servant for criticism of his official functions. In support of this view, counsel cited the judgment of Brennan, J., in the **United States Case of Garrison vs. Louisiana, No. 379 U.S. 64; 85S. Ct. 209; 13 l. Ed. ed 125; ed 125 1964 U.S. LEXIS 150; 1 Media L. Rep. 1548.**, where it was held that penal sanctions cannot be justified merely by the fact that defamation is evil or damaging to a person in ways which entitles him to a civil action because criminal prosecution should be reserved for harmful behavior. We also need to understand that under the community interest, freedom of expression should be protected over and above that of a defamed person.

In the case of **Rafael Marques de Morais vs. Angola, Communication No. 1128/2002 U.N. Doc. CC.PP/C88/2002 (2005)** which is to the effect that the scope of restrictions imposed on the freedom of expression must be proportional to the values which the restrictions serve to protect, that is,

protection of the public. **In my opnion the wording of section 179 of the Penal Code is not demonstrably justifiable in a democratic society.**

An indictment will not lie in respect of injuries of a private nature unless, they in some ways, amount to breach of the peace. We need to rely on Russell on Crime: **A Treatise on Felonies and Misdemeanor (9th Edn., Vol. I, p. 8, para 2 as the authority for the principle**. In **Gatley on Libel and Slander in a Civil Action with Precedents of Pleadings, (4th Edn., Sweet & Maxwell, p. 10)** which is to the effect that although the publication of a written defamation is a crime as well as an actionable wrong, a man whose private character has been attacked should, as a general rule, content himself with his civil remedy unless the words are clearly of a kind calculated to provoke a breach of peace. He submitted, therefore, that libel should not be an indictable offence because committing it does not amount to breach of peace. But all this said we should note that in the case of **CONSTITUTIONAL REFERENCE NO. 1/2008 (Arising out of Criminal Case No. 41 of 2008 in the Chief Magistrates Court at Nakawa) 1. JOACHIM BUWEMBO,2. BERNARD TABAIRE,3. EMMANUEL DAVIES GYEZAHO,4. MUKASA ROBERT VERSUS ATTORNEY GENERAL RESPONDENT (Statutory interpretation - Whether Section 179 of the Penal Code Act (Cap 120) is inconsistent with Article 29(1) (a) of the Constitution. - Whether or not Sections 179 of**

the Penal Code Act is a restriction permitted under Article 43 of the Constitution as being demonstrably justifiable in a free and democratic society.) it was ruled that,"……..Section 179 of the Penal Cope Act (Cap 120) is not inconsistent with Article 5 29(1)(a) of the Constitution. Sections 180 to 186 of the Penal Code Act are, therefore, not redundant. Sections 179 of the Penal Code Act is a restriction permitted under Article 43 of the Constitution as being demonstrably justifiable in a free and democratic society……." and this will be used as the basis upon which the Mengo Boys will always rely on to threaten the people who go head on to exposes the frauds that they have done. This means that landlords claiming their land stolen by the Buganda Land Board should be ready to get remanded and to take plea to prove that the Mengo boys are thieves so that they can break their criminal chain. So those fighting for their land should get ready for stints in prisons.

The case of **CONSTITUTIONAL REFERENCE NO. 1/2008 (Arising out of Criminal Case No. 41 of 2008 in the Chief Magistrates Court at Nakawa) 1. JOACHIM BUWEMBO,2. BERNARD TABAIRE,3. EMMANUEL DAVIES GYEZAHO,4. MUKASA ROBERT VERSUS ATTORNEY GENERAL RESPONDENT (Statutory interpretation - Whether Section 179 of the Penal Code Act (Cap 120) is inconsistent with Article 29(1) (a) of the Constitution. -**

Whether or not Sections 179 of the Penal Code Act is a restriction permitted under Article 43 of the Constitution as being demonstrably justifiable in a free and democratic society.) was taken for appeal in the supreme court and I will quote **JUDGMENT OF BYAMUGISHA AG, J.S.C**. as having stated that,"…… **There is no doubt in my mind that Chapter 4 of the Constitution guarantees fundamental human rights and freedoms. This is what is referred to as the bill of rights in some jurisdictions. Article 29(1) protects certain freedoms. For purposes of the matter now before this court it states as follows:**

"(1) Every person shall have the right to-

(a)

freedom of speech and expression, which shall include freedom of the press and other media.

(b) …

(c) …

(d) freedom of association which shall include the freedom to form associations or unions, including trade unions and political and other civic organisation."

Article 43 states as follows:

"(1) In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the

fundamental or other human rights and freedoms of others or the public interest.

(2) Public interest under this article shall not permit

(a) political persecution;

(b) detention without trial;

(c) any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided under this Constitution."

The provisions of this Article clearly indicate to me that the enjoyment of fundamental human rights and freedoms is not absolute. One has to be mindful of the rights of others and public interest while exercising these rights. The limitations to be imposed in the enjoyment of the stated rights have to be acceptable and demonstrably justifiable in a free and democratic society, or what is provided in the Constitution.

What does section 50 (supra) prohibit? In order to answer this question it is necessary to produce the provisions of the section in full. It states as follows:

"(1) any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or disturb public peace is guilty of a misdemeanour."

The section prohibits the publication of any false statement, rumor or report that is likely to cause fear and alarm to the public or disturb public peace.

Who determines that a statement or rumour that has been published is false? Article 120 of the Constitution clothes the Director of Public Prosecutions with powers to institute criminal proceedings against any person or authority in any court with competent jurisdiction. In the exercise of these powers the D.P.P. is independent and is not subject to the control or direction of anybody. Furthermore, he is supposed to be guided by public interest, the interest of the administration of justice and the need to prevent the abuse of legal process……."

This is very criticle legal reasoning that we need to bring down to the Mengo Fraudsters. Its on court record in the case of **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); and ruled by Lord Justice EVA K. LUSWATA that,"……..** The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states interalia that:-

The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.

The applicant is a non-existing person with no capacity to sue and or be sued.

The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.

The respondent/plaintiff has no cause of action, or at all, against the applicant.

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his counsels' absence. The applicant applied to have the application to proceed exparte under Order 9 rule 20(1) CPR which was granted by this court……". But as the truth unravels you will find that Kizito Bashir Juma will run to court and file a case for libel against any person who brings this to public light. We should note that the Buganda Land Board was one of the assets restituted by **Chapter 247 of the laws of Uganda (Traditional Rulers (Restitution of Assets and Properties) Act 1993) and was first run by the Late Kaya Kavuma.** The ruling in **Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);** that supports the nonexistence of an entity that was incorporated in 1961 was fraud on court and this is not libel. Infact this is a lie for which Kizito Bashir Juma has to be brought before justice. "Courts of Justice will not allow a person to keep an advantage which he obtained in bad faith……."(**Konde Mathias Zimula versus Byarugaba Moses and Grace Nampijja HCCS NO. 66/2007**). **Makula**

International Ltd. versus H. E. Cardinal Nsubuga & Anor (1982) HCB II that Court cannot sanction what is illegal and an illegality once brought to the attention of the Court overrides all questions of pleadings including admissions made thereon. **National Social Security Fund & Anor versus Alcon International Ltd. SCCS No.15/2009 when Odoki CJ** (as he then was) held that; **"One of the principles of law is that as long as there is an illegality, it can be raised at any time as a Court of law cannot sanction that which is illegal".**

The court will not enforce a contract which is expressly or impliedly forbidden by statute or that is entered into with the intention of committing an illegal act. The court will not assist a claimant to recover a benefit from his own wrongdoing. This extends to claims for compensation or an indemnity in respect of the adverse consequences of the wrongdoing - **see Beresford v Royal Insurance Co Ltd [1938] AC 586.** The policy underlying ex turpi causa was explained by **Lord Mansfield in 1775 in Holman v Johnson 1 Cowp. 341, 343; 98 ER 1120, 1121:**

"The objection, that a contract is immoral or illegal as between plaintiff and defendant, sounds at all times very ill in the mouth of the defendant. It is not for his sake, however, that the objection is ever allowed; but it is founded in general principles of policy, which the defendant has the advantage of, contrary to the real justice as between him and the plaintiff, by accident, if I

may so say. The principle of public policy is this; ex dolo malo non oritur actio. No court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act. If, from the plaintiff's own stating or otherwise, the cause of action appears to arise ex turpi causâ, or the transgression of a positive law of this country, there the court says he has no right to be assisted. It is upon that ground the court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff. So if the plaintiff and defendant were to change sides, and the defendant was to bring his action against the plaintiff, the latter would then have the advantage of it; for where both are equally in fault, potior est conditio defendentis.

So in the cases where the Mengo Boys have hidden under libel and offensive communication to perpetuate their fraud on people's land, there will be need for the Uganda Government to carry on investigation over the value chain and understand the due diligence underlying such statements that are known as libel. This may not be within the ambit of the Uganda Police for they will be threatened by the Mengo boys and their connections but trust me in court all this information will be prayed for and obtained. The case involving fraud will very complicated to unearth but we will.

By revealing concealed information that is critically important to public good, whistleblowers provide an opportunity to

address public interest concerns before harm is done. The prevalence of corruption in public institutions is worrisome. It comes with a lot of colossal effects to a country's socio-economic and political development. Recently reports on corruption indicated that the public sector is more prone to corruption than the private sector. I think to justify that assertion is the fact that many people interface with public institutions in light of accessing services than it is the case with private institutions. When information is made public that does portray fraud and the fraudsters run to Police under the umbrella of Libel and defirmation then there will be a big problem in Uganda.

Many claimants who claim libel and defirmation must demonstrate that the publication of a statement has caused or is likely to cause serious harm to their reputation in order to bring a claim for defamation against the publisher of the statement. The Act requires a claimant to prove, on the balance of probabilities, that the statement has in fact caused serious harm to their reputation, or probably will do so. According to the judge, parliament's intention was that the court should consider not just the meaning of the statement but all the relevant circumstances, including what harm had actually occurred.

In many respects, the relevant principles of English defamation law are so similar that they seem to have been written with the same pen. For example: • "substantially true"

statements are not actionable;**(See Defamation Act 2013, c. 26§2(1) (U.K.) ("It is a defence to an action for defamation ...that the imputation conveyed by the statement complained of is substantially true."); id. § 2(3) (U.K.) ("If one or more of the imputations is not shown to be substantially true, the defence under this section does not fail if, having regard to the imputations which are shown to be substantially true, the imputations which are not shown to be substantially true do not seriously harm the claimant's reputation."); Nichols v. Moore, 477 F.3d 396, 399 (6th Cir. 2007) ("If the gist, the sting, of the article is substantially true, the defendant is not liable.") (quoting Fisher v. Detroit Free Press, Inc. N.W. 2d 765, 767-68 (1987); Neely v. Wilson, 418 S.W.3d 52, 63-64 (Tex. 2013) ("A broadcast with specific statements that err in the details but that correctly convey the gist of a story is substantially true" and therefore not actionable.)** a defamatory communication must have been published to a third person other than the plaintiff;**(SIR BRIAN NEILL, RICHARD RAMPTON QC, HEATHER ROGERS QC, TIMOTHY ATKINSON,&AIDAN EARDLEY, DUNCAN AND NEILL ON DEFAMATION 1 (4th ed. 2015) (hereinafter "Neill"), at 69; RESTATEMENT (SECOND) OF TORTS § 557 (1) (AM. LAW INST. 1977)** whether an assertion is defamatory is determined from the perspective of a reasonable person;**(See Neill, supra note 7, at 38; Amrak**

Prods., Inc. v. Morton, 410 F.3d 69, 72 (1st Cir. 2005) ("The communication 'must be interpreted reasonably,' leading a 'reasonable reader' to conclude that it conveyed a defamatory meaning.") (quoting Foley v. Lowell Sun Publ'g Co., 533 N.E.2d 196, 197 (1989)). This gives some light on what the people who are going to take on the Mengo Boys will face. To make it easy for you, find below the law on Libel that is applicable to Uganda.

CHAPTER XVII—DEFAMATION.

179. Definition of libel.

Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, commits the misdemeanour termed libel.

180. Definition of defamatory matter.

(1) Defamatory matter is matter likely to injure the reputation of any person by exposing that person to hatred, contempt or ridicule, or likely to damage any person in his or her profession or trade by an injury to his or her reputation.

(2) It is immaterial whether at the time of the publication of the defamatory matter the person

concerning whom such matter is published is living or dead.

(3) No prosecution for the publication of defamatory matter concerning a dead person shall

be instituted without the consent of the Director of Public Prosecutions.

181. Definition of publication.

(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means

by which the defamatory matter is conveyed to be so dealt with, either by exhibition, reading,

recitation, description, delivery or otherwise, that the defamatory meaning thereof becomes

known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely

expressed, and it suffices if such meaning and its application to the person alleged to be

defamed can be collected either from the alleged libel itself or from any extrinsic

circumstances or partly by the one and partly by the other means.

182. Definition of unlawful publication.

Any publication of defamatory matter concerning a person is unlawful within the meaning of

this Chapter, unless—

(a) the matter is true and it was for the public benefit that it should be published; or

(b) it is privileged on one of the grounds mentioned in this Chapter.

183. Absolute privilege of defamatory matter.

(1) The publication of defamatory matter is absolutely privileged, and no person shall in any

circumstances be liable to punishment under this Code in respect of such publication, in any

of the following cases—

(a) if the matter is published by the President, the Government or Parliament;

(b) if the matter is published in Parliament by the Government or by any member of

that Parliament or by the Speaker;

(c) if the matter is published by order of the President or the Government;

(d) if the matter is published concerning a person subject to military, naval or air force discipline for the time being, and

relates to his or her conduct as a person subject to such discipline, and is published by some person having authority over him or her in respect of such conduct, and to some person having authority over him or her in respect of such conduct;

(e) if the matter is published in the course of any judicial proceedings by a person taking part in them as a judge, magistrate, commissioner, advocate, assessor, juror, witness or party to the proceedings;

(f) if the matter published is in fact a fair report of anything said, done or published in

Parliament; or

(g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter is true or false, and whether it is or is not known or believed to be false and whether it is or is not published in good faith; but nothing in this section shall exempt a person from any liability to punishment under any other Chapter of this Code or under any other written law in force in Uganda.

184. Conditional privilege of defamatory matter.

The publication of defamatory matter is privileged if it is published in good faith and—

(a) if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it;

(b) if the matter published is in fact a fair report of anything said, done or shown in a civil

or criminal inquiry or proceeding before any court; except that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged;

(c) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 183;

(d) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity or as to his or her personal character so far as it appears in such conduct;

(e) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his or her personal character so far as it appears in such conduct;

(f) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding or as to the character of any person so far as it appears in any such conduct as mentioned in this paragraph;

(g) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made, or submitted by a person to the judgment of the public or as to the character of the person so far as it appears therein;

(h) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he or she has authority, by contract or otherwise, over the other person or on the character of the other person, so far as it appears in such conduct;

(i) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his or her conduct in any matter, or in respect of his or

her character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or

(j) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

185. Good faith defined.

A publication of defamatory matter shall not be deemed to have been made in good faith by a

person, within the meaning of section 184, if it is made to appear either—

(a) that the matter was untrue and that he or she did not believe it to be true;

(b) that the matter was untrue and that he or she published it without having taken

reasonable care to ascertain whether it was true or false; or

(c) that in publishing the matter, he or she acted with intent to injure the person

defamed in a substantially greater degree or substantially otherwise than was

reasonably necessary for the interest of the public or for the protection of the

private right or interest in respect of which he or she claims to be privileged.

186. Presumption as to good faith.

If it is proved on behalf of the accused person that the defamatory matter was published under

such circumstances that the publication would have been justified if made in good faith, the

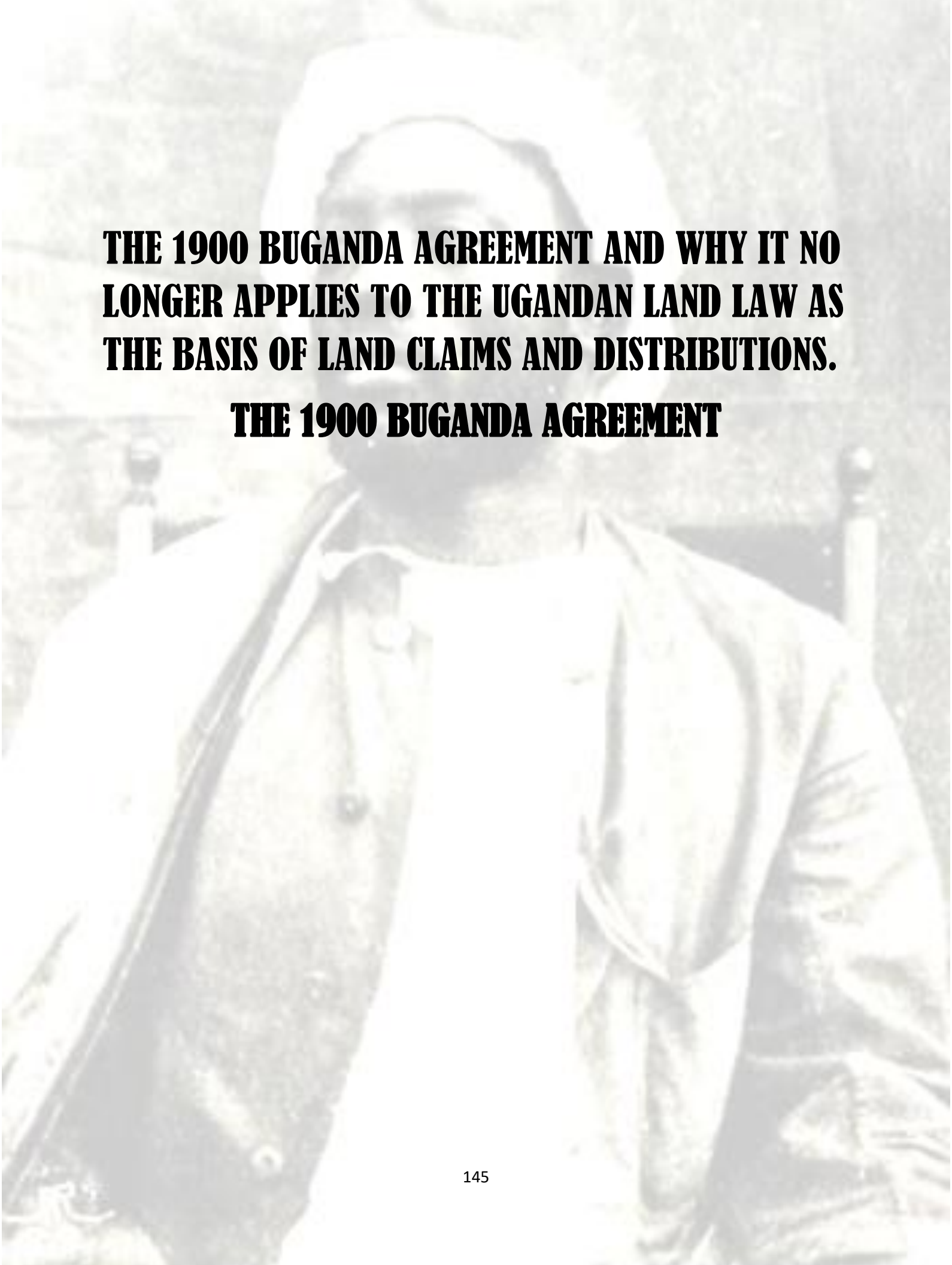
publication shall be presumed to have been made in good faith until the contrary is made to

appear, either from the libel itself, or from the evidence given on behalf of the accused person

or from evidence given on the part of the prosecution.

THE 1900 BUGANDA AGREEMENT AND WHY IT NO LONGER APPLIES TO THE UGANDAN LAND LAW AS THE BASIS OF LAND CLAIMS AND DISTRIBUTIONS.

THE 1900 BUGANDA AGREEMENT



The Uganda Agreement of 1900

We, the undersigned, to wit, Sir Henry Hamilton Johnston, K.C.B., Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General for the Uganda Protectorate and the adjoining Territories, on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, on the one part; and the under-mentioned Regents and chiefs of the Kingdom of Uganda on behalf of the Kabaka (King) of Uganda, and the chiefs and people of Uganda, on the other part: do hereby agree to the following Articles relative to the government and administration of the Kingdom of Uganda.

1 The boundaries of the Kingdom of Uganda shall be the following: starting from the left bank of the Victoria Nile at the Ripon Falls, the boundary shall follow the left bank of the Victoria Nile into Lake Kioga, and thence shall be continued along the centre of Lake Kioga, and again along the Victoria Nile as far as the confluence of the River Kafu, opposite the town of Mruli. From this point the boundary shall be carried along the right or eastern bank of the River Kafu, up stream, as far as the junction of the Kafu and Embaia. From this point the boundary shall be carried in a straight line to the River Nkusi, and shall follow the left bank of the River Nkusi down stream to its entrance into the Albert Nyanza. The boundary shall then be carried along the coast of the Albert Nyanza in a south-westerly direction as far as the mouth of the River Kuzizi, and thence shall be carried up stream along the right bank of the river Kuzizi to near its source. From a point near the source of the Kuzizi and near the village of Kirola (such point to be finally determined by Her Majesty's Commissioner at the time of the definite Survey of Uganda) the boundary shall be carried in a south-westerly direction until it reaches the River Nabutari, the left bank

of which it will follow down stream to its confluence with the River Katonga. The boundary shall then be carried up stream along the left bank of the River Katonga, as far as the point opposite the confluence of the Chungaga, after which, crossing the Katonga, the boundary shall be carried along the right bank of the said Chungaga River up stream to its source; and from its source the boundary shall be drawn in a south-easterly direction to the point where the Byoloba River enters Lake Kachira; and shall then be continued along the centre of Lake Kachira to its south-eastern extremity, where the River Bukova leaves the lake, from which point the boundary shall be carried in a south-easterly direction to the Anglo-German frontier. The boundary shall then follow the Anglo-German frontier to the coast of the Victoria Nyanza and thence shall be drawn across the waters of the Victoria Nyanza in such a manner as to include within the limits of the Kingdom of Uganda the Sese Archipelago (including Kosi and Mazinga), Ugaya, Lufu, Igwe, Buvuma, and Lingira Islands. The boundary, after including Lingira Islands, shall be carried through Napoleon Gulf until it reaches the starting point of its definition at Bugungu at the Ripon Falls on the Victoria Nile. To avoid any misconception it is intended by this definition to include within the boundaries of Uganda all the islands lying off the north-west coast of the Victoria Nyanza in addition to those specially mentioned.

2 The Kabaka and chiefs of Uganda hereby agree henceforth to renounce in favour of Her Majesty the Queen any claims to tribute they may have had on the adjoining provinces of the Uganda Protectorate.

3 The Kingdom of Uganda in the administration of Uganda Protectorate shall rank as a province of equal rank with any other provinces into which the Protectorate may be divided.

4 The revenue of the Kingdom of Uganda, collected by the Uganda Administration, will be merged in the general revenue of the Uganda Protectorate, as will that of the other provinces of this Protectorate.

5 The laws made for the general governance of the Uganda Protectorate by Her Majesty's Government will be equally applicable to the Kingdom of Uganda, except in so far as they may in any particular conflict with the terms of this Agreement, in which case the terms of this Agreement will constitute a special exception in regard to the Kingdom of Uganda.

6 So long as the Kabaka, Chiefs, and people of Uganda shall conform to the laws and regulations instituted for their governance by Her Majesty's Government and shall co-operate loyally with Her Majesty's Government in the organization and administration of the said Kingdom of Uganda, Her Majesty's Government agrees to recognize the Kabaka of Uganda as the native ruler of the province of Uganda under Her Majesty's protection and over-rule. The King of Uganda shall henceforth be styled His Highness the Kabaka of Uganda. On the death of a Kabaka, his successor shall be elected by a majority of votes in the Lukiko, or native council. The range of selection, however, must be limited to the Royal Family of Uganda, that is to say, to the descendants of King Mutesa. The name of the person chosen by the native council must be submitted to Her Majesty's Government for approval, and no person shall be recognized as Kabaka of Uganda whose election has not received the approval of Her Majesty's Government. The jurisdiction of the native Court of the Kabaka of Uganda, however, shall not extend to any person not a native of the Uganda province. The Kabaka's

courts shall be entitled to try natives for capital crimes, but no death sentence may be carried out by the Kabaka, or his Courts, without the sanction of Her Majesty's representative in Uganda. Moreover, there will be a right of appeal from the native Courts to the principle Court of Justice established by Her Majesty in the Kingdom of Uganda as regards all sentences which inflict a term of more than five years' imprisonment or a fine of over £100. In the case of any other sentences imposed by the Kabaka's Courts, which may seem to Her Majesty's Government disproportioned or inconsistent with humane principles, Her Majesty's representatives in Uganda shall have the right of remonstrance with the Kabaka, who shall, at the request of the said representative, subject such sentence to reconsideration.

The Kabaka of Uganda shall be guaranteed by Her Majesty's Government from out of the local revenue of the Uganda Protectorate a minimum yearly allowance of £500 a year.

During the present Kabaka's minority, however, in lieu of the above-mentioned subvention, there will be paid to the master of his household, to meet his household expenditure, WO a year, and during his minority the three persons appointed to act as Regents will receive an annual salary of £400 a year. Kabakas of Uganda will be understood to have attained their majority when they have reached the age of 18 years. The Kabaka of Uganda shall be entitled to a salute of nine guns on ceremonial occasions when such salutes are customary.

7 The Namasole, or mother of the present Kabaka. (Chua), shall be paid during her lifetime an allowance at the rate of £50 a year. This

allowance shall not necessarily be continued to the mothers of other Kabakas.

8 All cases, civil or criminal, of a mixed nature, where natives of the Uganda province and non-natives of that province are concerned, shall be subject to British Courts of Justice only.

9 For purposes of native administration the Kingdom of Uganda shall be divided into the following districts or administrative counties:

(1) Kiagwe

(6) Buyaga

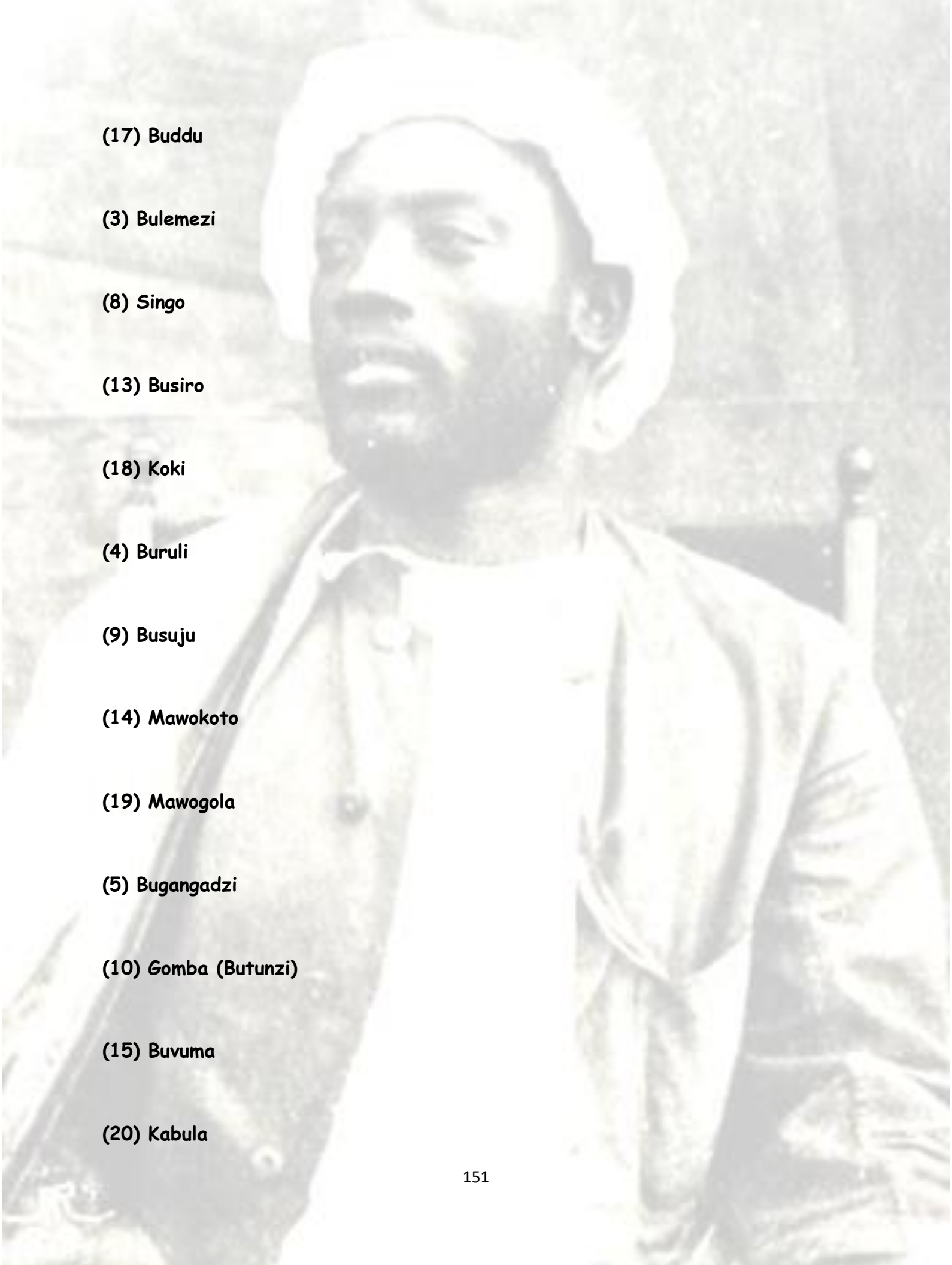
(11) Butambala (Bweya)

(16) Sese

(2) Bugerere

(7) Bwekula

(12) Kiadondo



(17) Buddu

(3) Bulemezi

(8) Singo

(13) Busiro

(18) Koki

(4) Buruli

(9) Busuju

(14) Mawokoto

(19) Mawogola

(5) Bugangadzi

(10) Gomba (Butunzi)

(15) Buvuma

(20) Kabula

At the head of each county shall be placed a chief who shall be selected by the Kabaka's Government, but whose name shall be submitted for approval to Her Majesty's representative. This chief, when approved by Her Majesty's representative, shall be guaranteed from out of the revenue of Uganda a salary at the rate of E200 a year. To the chief of a county will be entrusted by Her Majesty's Government, and by the Kabaka, the task of administering justice among the natives dwelling in his county, the assessment and collection of taxes, the upkeep of the main roads, and the general supervision of native affairs. On all questions but the assessment and collection of taxes the chief of the county will report direct to the King's native ministers, from whom he will receive his instructions. When arrangements have been made by Her Majesty's Government for the organization of a police force in the province of Uganda, a certain number of police will be placed at the disposal of each chief of a county to assist him in maintaining order. For the assessment and payment of taxes, the chief of a county shall be immediately responsible to Her Majesty's representative, and should he fail in his duties in this respect, Her Majesty's representative shall have the right to call upon the Kabaka to dismiss him from his duties and appoint another chief in his stead. In each county an estate, not exceeding an area of 8 square miles, shall be attributed to the chieftainship of a county, and its usufruct shall be enjoyed by the person occupying, for the time being, the position of chief of the county.

10 To assist the Kabaka of Uganda in the government of his people he shall be allowed to appoint three native Officers of State, with the sanction and approval of Her Majesty's representative in Uganda (without whose sanction such appointments shall not be valid)-a

Prime Minister, otherwise known as Katikiro; a Chief Justice; and a Treasurer or Controller of the Kabaka's revenues. These officials shall be paid at the rate of £300 a year. Their salaries shall be guaranteed them by Her Majesty's Government from out of the funds of the Uganda Protectorate. During the minority of the Kabaka these three officials shall be constituted the Regents, and when acting in that capacity shall receive salary at the rate of £400 a year. Her Majesty's chief representative in Uganda shall at any time have direct access to the Kabaka, and shall have the power of discussing matters affecting Uganda with the Kabaka alone or, during his minority, with the Regents, but ordinarily the three officials above designated will transact most of the Kabaka's business with the Uganda Administration. The Katikiro shall be ex officio the President of the Lukiko, or native council; the Vice-President of the Lukiko shall be the native Minister of Justice for the time being; in the absence of both Prime Minister and Minister of Justice, the Treasurer of the Kabaka's revenues, or third minister, shall preside over the meetings of the Lukiko.

11 The Lukiko, or native council, shall be constituted as follows: 'In addition to the three native ministers who shall be ex officio senior members of the council, each chief of a county (twelve in all) shall be ex officio a member of the Council. Also each chief of a county shall be permitted to appoint a person to act as his lieutenant in this respect to attend the meetings of the council during his absence, and to speak and vote in his name. The chief of a county, however, and his lieutenant may not both appear simultaneously at the council. In addition, the Kabaka shall select from each county three notables, whom he shall appoint during his pleasure, to be members of the Lukiko or native council. The Kabaka may at any time deprive any individual of the right to sit on the native council, but in such a case

shall intimate his intention to Her Majesty's representative in Uganda, and receive his assent thereto before dismissing the member. The functions of the council will be to discuss all matters concerning the native administration of Uganda, and to forward to the Kabaka resolutions which may be voted by a majority regarding measures to be adopted by the said administration. The Kabaka shall further consult with Her Majesty's representative in Uganda before giving effect to any such resolutions voted by the native council, and shall, in this matter, explicitly follow the advice of Her Majesty's representative. The Lukiko, or a committee thereof, shall be a Court of Appeal from the decisions of the Courts of the First Instances held by the chiefs of counties. In all cases affecting property exceeding the value of £5, or imprisonment exceeding one week, an appeal for revision may be addressed to the Lukiko. In all cases involving property or claims exceeding £100 in value, or a sentence of imprisonment exceeding five years, or sentences of death, the Lukiko shall refer the matter to the consideration of the Kabaka, whose decision when countersigned by Her Majesty's chief representative in Uganda shall be final. The Lukiko shall not decide any questions affecting the persons or property of Europeans or others who are not natives of Uganda. No person may be elected to the Lukiko who is not a native of the Kingdom of Uganda. No question of religious opinion shall be taken into consideration in regard to the appointment by the Kabaka of members of the council. In this matter he shall use his judgement and abide by the advice of Her Majesty's representative, assuring in this manner a fair proportionate representation of all recognised expressions of religious belief prevailing in Uganda.'

12 In order to contribute to a reasonable extent towards the general cost of the maintenance of the Uganda Protectorate, there shall be

established the following taxation for Imperial purposes, that is to say, the proceeds of the collection of these taxes shall be handed over intact to Her Majesty's representative in Uganda as the contribution of the Uganda province towards the general revenue of the Protectorate.

The taxes agreed upon at present shall be the following:

'(a) A hut tax of three rupees, or 4s. per annum, on any house, hut or habitation used as a dwelling-place.

(b) A gun tax of three rupees, or 4s. per annum, to be paid by any person who possesses or uses a gun, rifle or pistol.'

The Kingdom of Uganda shall be subject to the same Customs Regulations, Porter Regulations, and so forth, which may, with the approval of Her Majesty, be instituted for the Uganda Protectorate generally, which may be described in a sense as exterior taxation, but no further interior taxation, other than the hut tax, shall be imposed on the natives of the province of Uganda without the agreement of the Kabaka, who in this matter shall be guided by the majority of votes in his native council. This arrangement, however, will not affect the question of township rates, lighting rates, water rates, market dues, and so forth, which may be treated apart as matters affecting municipalities or townships; nor will it absolve natives from obligations as regards military service, or the up-keep of main roads passing through the lands on which they dwell. A hut tax shall be levied on any building which is used as a dwelling-place. A collection of not more than four huts, however, which are in a

separate and single enclosure and are inhabited only by a man and his wife, or wives, may be counted as one hut. The following buildings will be exempted from the hut tax: temporary shelters erected in the fields for the purposes of watching plantations; or rest houses erected by the roadside for passing travellers; buildings used solely as tombs, churches, mosques or schools, and not slept in or occupied as a dwelling; the residence of the Kabaka and his household (not to exceed fifty buildings in number); the residence of the Namasole, or Queen Mother (not to exceed twenty in number); the official residences of the three native ministers, and of all the chiefs of counties (not to exceed ten buildings in number); but in the case of dispute as to the liability of a building to pay hut tax, the matter must be referred to the collector for the province of Uganda, whose decision must be final. The collector of a province may also authorize the chief of a county to exempt from taxation any person whose condition of destitution may, in the opinion of the collector, make payment of such tax an impossibility. By collector is meant the principal British official representing the Uganda Administration in the province of Uganda.

The representative of Her Majesty's Government in the Uganda Protectorate may from time to time direct that in the absence of current coin, a hut or gun tax may be paid in produce or in labour according to a scale which shall be laid down by the said representative. As regards the gun tax, it will be held to apply to any person who possesses or makes use of a gun, rifle, pistol, or any weapon discharging a projectile by the aid of gunpowder, dynamite or compressed air. The possession of any cannon or machine gun is hereby forbidden to any native of Uganda. A native who pays a gun tax may possess or use as many as five guns. For every five or for every additional gun up to five, which he may be allowed to possess

or use, he will have to pay another tax. Exemptions from the gun tax will, however, be allowed to the following extent: 'The Kabaka will be credited with fifty gun licences free, by which he may arm as many as fifty of his household. The Queen mother will, in like manner, be granted ten free licences annually, by which she may arm as many as ten persons of her household; each of the three native ministers (Katikiro, Native Chief Justice, and Treasurer of the Kabaka's revenue) shall be granted twenty free gun licences annually, by which they may severally arm twenty persons of their household. Chiefs of counties will be similarly granted ten annual free gun licences; all other members of the Lukiko or native council, not Chiefs of counties, three annual gun licences, and all landed proprietors in the county, with estates exceeding 500 acres in extent, one free annual gun licence.'

13 Nothing in this Agreement shall be held to invalidate the preexisting right of the Kabaka of Uganda to call upon every ablebodied male among his subjects for military service in defence of the country; but the Kabaka henceforth will only exercise this right of conscription, or of levying native troops, under the advice of Her Majesty's principal representative in the Protectorate. In times of peace, the armed forces, organized by the Uganda Administration, will probably be sufficient for all purposes of defence, but if Her Majesty's representative is of opinion that the force of Uganda should be strengthened at any time, he may call upon the Kabaka to exercise in a full or in a modified degree his claim on the Baganda people for military service. In such an event the arming and equipping of such force would be undertaken by the administration of the Uganda Protectorate.

14 All main public roads traversing the Kingdom of Uganda and all roads the making of which shall at any time be decreed by the native council with the assent of Her Majesty's representative, shall be maintained in good repair by the chief of the Saza (or county) through which the road runs. The chief of a county shall have the right to call upon each native town, village, or commune, to furnish labourers in the proportion of one to every three huts or houses, to assist in keeping the established roads in repair, provided that no labourers shall be called upon to work on the roads for more than one month in each year. Europeans and all foreigners whose lands abut on established main roads, will be assessed by the Uganda Administration and required to furnish either labour or to pay a labour rate in money as their contribution towards the maintenance of the highways. When circumstances permit, the Uganda Administration may further make grants from out of its Public Works Department, for the construction of new roads or any special repairs to existing highways, of an unusually expensive character.

15 The land of the Kingdom of Uganda shall be dealt with in the following manner: Assuming the area of the Kingdom of Uganda, as comprised within the limits cited in this agreement, to amount to 19,600 square miles, it shall be divided in the following proportions:

Square miles

Forests to be brought under control of the Uganda Administration 1,500

Waste and uncultivated land to be vested in Her Majesty's Government, and to be controlled by the Uganda Administration 9,000

Plantations and other private property of His Highness the Kabaka of Uganda 350

Plantations and other private property of the Namasole

(Note.-If the present Kabaka died and another Namasole were appointed, the existing one would be permitted to retain as her personal property 6 square miles, passing on 10 square miles as the endowment of every succeeding Namasole.) 16

Plantations and other private property of the Namasole, Mother of Mwanga 10

To the Princes: Joseph, Augustine, Rarnazan, and Yusufu-Suna, 8 square miles each 32

For the Princesses, sisters, and relations of the Kabaka 90

To the Abamasaza (chiefs of counties), twenty in all 8 square miles each (private property): 160

Official estates attached to the posts of the Abamasaza, 8 square miles each: 160

320

The three Regents will receive private property to the extent of 16 square miles each: 48

And official property attached to their office, 16 square miles each, the said official property to be afterwards attached to the posts of the three native ministers: 48

96

Mbogo (the Muhammedan chief) will receive for himself and his adherents 24

Kamswaga, chief of Koki, will receive 20

One thousand chiefs and private landowners will receive the estates of which they are already in possession, and which are computed at an acreage of 8 square miles per individual, making atotal of 8,000

There will be allotted to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as 92

Land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka, etc., etc.) 50

Total 19,600

After a careful survey of the Kingdom of Uganda has been made, if the total area should be found to be less than 19,600, then that portion of the country which is to be vested in Her Majesty's Government shall be reduced in extent by the deficiency found to exist in the estimated area. Should, however, the area of Uganda be established at more than 19,600 square miles, then the surplus shall be dealt with as follows:

'It shall be divided into two parts, one-half shall be added to the amount of land which is vested in Her Majesty's Government, and the other half will be divided proportionately among the properties of the Kabaka, the three Regents or native ministers, and the Abamasaza, or chiefs of counties.

'The aforesaid 9,000 square miles of waste or cultivated, or uncultivated land, or land occupied without prior gift of the Kabaka or chiefs by bakopi or strangers, are hereby vested in Her Majesty the Queen of Great Britain and Ireland, Empress of India, and Protectress of Uganda, on the understanding that the revenue derived from such lands shall form part of the general revenue of the Uganda Protectorate.

'The forests, which will be reserved for Government control, will be, as a rule, those forests over which no private claim can be raised justifiably, and will be forests of some continuity, which should be maintained as woodland in the general interests of the country.

'As regards the allotment of the 8,000 square miles among the 1,000 private landowners, this will be a matter to be left to the decision of the Lukiko, with an appeal to the Kabaka. The Lukiko will be empowered to decide as to the validity of claims, the number of claimants and the extent of land granted, premising that the total amount of land thus allotted amongst the chiefs and accorded to native landowners of the country is not to exceed 8,000 square miles.

'Europeans and non-natives, who have acquired estates, and whose claims thereto have been admitted by the Uganda Administration, will receive title-deeds for such estates in such manner and with such limitations, as may be formulated by Her Majesty's representative. The official estates granted to the Regents, native ministers, or chiefs of counties, are to pass with the office, and their use is only to be enjoyed by the holders of the office.

'Her Majesty's Government, however, reserves to itself the right to carry through or construct roads, railways, canals, telegraphs or other useful public works, or to build military forts or works of defence on any property, public or private, with the condition that not more than 10 per centum of the property in question shall be taken up for these purposes without compensation, and that

compensation shall be given for the disturbance of growing crops or of buildings.'

16 Until Her Majesty's Government has seen fit to devise and promulgate forestry regulations, it is not possible in this Agreement to define such forests rights as may be given to the natives of Uganda; but it is agreed on behalf of Her Majesty's Government, that in arranging these forestry regulations, the claims of the Baganda. people to obtain timber for building purposes, firewood, and other products of the forests or uncultivated lands, shall be taken into account, and arrangements made by which under due safeguards against abuse these rights may be exercised gratis.

17 As regards mineral rights. The rights to all minerals found on private estates shall be considered to belong only to the owners of these estates, subject to a 10 per centum ad valorem duty, which shall be paid to the Uganda Administration when the minerals are worked. On the land outside private estates, the mineral rights shall belong to the Uganda Administration, which, however, in return for using or disposing of the same must compensate the occupier of the soil for the disturbance of growing crops or buildings, and will be held liable to allot to him from out of the spare lands in the Protectorate an equal area of soil to that from which he has been removed. On these waste and uncultivated lands of the Protectorate, the mineral rights shall be vested in Her Majesty's Government as represented by the Uganda Administration. In like manner the ownership of the forests, which are not included within the limits of private properties, shall be henceforth vested in Her Majesty's Government.

18 In return for the cession to Her Majesty's Government of the right of control over 10,550 square miles of waste, cultivated, uncultivated, or forest lands, there shall be paid by Her Majesty's Government in trust for the Kabaka (upon his attaining his majority) a sum of £500, and to the three Regents collectively, £600, namely, to the Katikiro £300, and the other two Regents £150 each.

19 Her Majesty's Government agrees to pay to the Muhammedan Uganda Chief, Mbogo, a pension for life of £250 a year, on the understanding that all rights which he may claim (except such as are guaranteed in the foregoing clauses) are ceded to Her Majesty's Government.

20 Should the Kingdom of Uganda fail to pay to the Uganda Administration during the first two years after the signing of this Agreement, an amount of native taxation, equal to half that which is due in proportion to the number of inhabitants; or should it at any time fail to pay without just cause or excuse, the aforesaid minimum of taxation due in proportion to the population, or should the Kabaka, Chiefs, or people of Uganda pursue, at any time, a policy which is distinctly disloyal to the British Protectorate; Her Majesty's Government will no longer consider themselves bound by the terms of this Agreement.

On the other hand, should the revenue derived from the hut and gun tax exceed two years running a total value of £45,000 a year, the Kabaka and chiefs of counties shall have the right to appeal to Her Majesty's Government for an increase in the subsidy given to the Kabaka, and the stipends given to the native ministers and chiefs,

such increase to be in the same proportional relation as the increase in the revenue derived from the taxation of the natives.

21 Throughout this Agreement the phrase 'Uganda Administration' shall be taken to mean that general government of the Uganda Protectorate, which is instituted and maintained by Her Majesty's Government; 'Her Majesty's representative' shall mean the Commissioner, High Commissioner, Governor, or principal official of any designation who is appointed by Her Majesty's Government to direct the affairs of Uganda.

22 In the interpretation of this Agreement the English text shall be the version which is binding on both parties.

Done in English and Luganda at Mengo, in the Kingdom of Uganda, on the 10th March, 1900.

H. H. JOHNSTON, Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General,

on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

APOLLO, Katikiro, Regent.

MUGWANYA, Katikiro, Regent.

MBOGO NOHO, his X mark.

ZAKARIA KIZITO, Kangawo, Regent.

SEBAUA, Pokino.

YAKOBO, Kago.

PAULO, Mukwenda.

KAMSWAGA, of Koki, his X mark.

(On behalf of the Kabaka, Chiefs, and people of Uganda.) Witness to the above signatures:

F. J. Jackson, Her Majesty's Vice-Consul.

J. Evatt, Lieutenant-Colonel.

James Francis Cunningham.

Alfred R. Tucker, Bishop of Uganda.

Henry Hanlon, Vicar Apostolic of the Upper Nile.

E. Bresson (for Mgr. Streicher, White Fathers).

R. H. Walker.

Matayo, Mujasi.

Latusa, Sekibobo.

Matayo, Kaima.

Yokana, Kitunzi

Santi Semindi, Kasuju.

Anderea, Kibugwe.

Sereme, Mujasi, his X mark.

Coprien Luwekula.

Nova, Jumba Gabunga.

Ferindi, Kyabalango.

Saulo, Lumana.

Yokano Bunjo, Katikiro of Namasole.

Yosefu, Katambalwa.

Zakayo, Kivate.

Hezikaya, Namutwe.

Ali, Mwenda, his X mark.

Nselwano, Muwemba.

Sernioni Sebuta, Mutengesa.

Njovu Yusufu, Kitambala, his X mark.

Kata, Nsege.

Note: The term "Uganda" is from the Swahili and means "Land of the Ganda". Originally, (and as used throughout the above agreement) this term applied only to the Buganda kingdom. As British colonial control expanded outwards from this central territory, the term was retained for the whole Protectorate. The central territory was distinguished from the wider colony by using its indiginous name of Buganda.

There is truth that was hidden from the public and this has formed the basis of Land grabbing in Uganda. The truth that was hidden was the time the Uganda Land Commission was formed and the Buganda Land Board too. We also need to know that the legal application of the 1900 Buganda Agreement was also revoked by the 1961 Buganda Agreement under the first schedule.

Many of the people promoting the title forgery in Uganda have titles that where issued before the Buganda Land Board was made in 1961 and many of them also love arguing that their claims stem from the 9000 square miles on which they are making the freeholds illegally. We also need to note that the **1900 Buganda agreement was revoked by effect 2 of the 1961 Buganda Agreement** that has been shown below and is detailed in the first schedule of the 1961 Buganda Agreement. This automatically implies that you cannot make a legal claim based on the 1900 Buganda Agreement for it's a revoked law. The Mengo Boys have been using this claim as gateway for stealing and fraudulently titling private and public mailo land ultra vires that law and we bring these facts live to the public so that we can hedge against land grabbing. Subsequently the Buganda Agreement 1961 was drawn in Lancaster England and please take note of effect 2, the First Schedule and Effect 19 of this agreement because they detail how land will be dealt with in Buganda.

THE 1961 BUGANDA AGREEMENT

COLONIAL OFFICE

UGANDA

REPORT OF THE UGANDA CONSTITUTIONAL CONFERENCE, 1961

AND

TEXT OF THE AGREED DRAFT OF A NEW BUGANDA AGREEMENT INITIALLED IN LONDON ON 9TH OCTOBER, 1961

Presented to Parliament by the Secretary of State for the Colonies
by Command of Her Majesty
October 1961

LONDON
HER MAJESTY'S STATIONERY OFFICE
FIVE SHILLINGS NET
1523

TEXT OF THE AGREED DRAFT OF A NEW BUGANDA AGREEMENT

(Signed) IAIN MACLEOD
M. KINTU

AGREED DRAFT
THE BUGANDA AGREEMENT 1961

Whereas the Kingdom of Buganda (hereinafter called "Buganda") is under Her Majesty's protection and is one of the Provinces of the Protectorate of Uganda (hereinafter called "Uganda"):

And whereas the relationship between Her Majesty's Government, the Government of Uganda, and the Government of Buganda (hereinafter called "the Kabaka's Government") is defined in the Buganda Agreements, 1894 to 1955, between Her Majesty and the Kabaka, Chiefs and people of Buganda:

And whereas at discussions held in London in the months of September and October, 1961, between representatives of Her Majesty's Government and representatives of Uganda (including representatives of the Government of Uganda and the Kabaka's Government) it was decided to recommend that a new Constitution should be established for Uganda under which Uganda would enjoy internal self-government and Buganda would be united with the rest of Uganda in a federal relationship:

And whereas it was also decided at the said discussions to recommend that the said Constitution should provide for a central Government for Uganda (hereinafter called "the Uganda Government") and a central legislative assembly (hereinafter called "the National Assembly") which will include eighty-two elected members and that certain provisions should be made for the relations between the Government of Uganda and the constituent parts of Uganda (including Buganda):

And whereas it is accordingly desirable that the relations between Her Majesty's Government, the Uganda Government and the Kabaka's Government should be re-defined in an Agreement between Her Majesty and the Kabaka, Chiefs and people of Buganda the provisions of which will come into force upon the introduction of the said new constitutional arrangements and which will subsist until Her Majesty's Government ceases to have responsibility for the government of Uganda:

And whereas an assurance was given at the said discussions on behalf of Her Majesty's Government that before Her Majesty's Government ceases to have responsibility for the government of Uganda there would be consultations in which the Kabaka's Government would participate:

Now therefore, it is hereby agreed and declared as follows:—

Citation, commencement and revocation

(1) This Agreement may be cited as the Buganda Agreement, 1961.

(2) The Agreements in the First Schedule to this Agreement are revoked:

Provided that the said revocation shall not affect any title to Mailo land.

(3) The provisions of this Agreement shall come into force at such time as may be appointed by the Governor, after consultation with the Kabaka's Government:

Provided that different dates may be appointed for the coming into operation of different provisions.

Interpretation

2. In this Agreement unless the context otherwise requires—" African " has the same meaning as it has under the provisions of the Interpretation and General Clauses Ordinance (Chapter I of the laws of Uganda) or any law amending or replacing that Ordinance ;

" Buganda law " means a law enacted by the Legislature of Buganda ;

" the Lukiko " means the Lukiko (Parliament) established by the Constitution of Buganda ;

" personal law " means any law or custom that is limited in its operation to a particular description or class of persons and, without prejudice to the generality of the foregoing, includes any such law or custom relating to inheritance, marriage, divorce or religion and all Buganda laws in force on the date of the coming into force of this Agreement ;

" Uganda law " means a law enacted by the Legislature of Uganda.

The Kabaka

3. The Kabaka of Buganda shall be entitled to the style of " His Highness " and, on ceremonial occasions, to a salute of fifteen guns.

Status of Buganda

4. (1) Buganda shall be united in federal relationship with the rest of Uganda in accordance with the Constitutions of Uganda and Buganda.

(2) The boundaries of Buganda shall be as set out in the Second Schedule to this Agreement.

Constitution of Buganda

5. (1) The Constitution of Buganda as a Kingdom within Uganda shall be as set out in the Third Schedule to this Agreement.

(2) The provisions of the Constitution of Buganda may be altered by a Buganda law:

Provided that—

(*a*) a Bill for a Buganda law altering the provisions of the said Constitution shall not be passed in the Lukiko unless it has been supported on the final vote thereon by the votes of not less than two-thirds of all the members of the Lukiko :

(*b*) no Buganda law, to the extent that it alters the provisions of Article 20, 21, 22, 23, 24, 25, 32, 33 or 34 of the said Constitution shall have effect unless the consent of Her Majesty's Government to its having effect has been signified by Proclamation of the Governor published in the Uganda Gazette.

(3) Her Majesty's Government will take steps to give the Constitution of Buganda the force of law as part of the Constitution of Uganda.

Representation of Buganda in the Uganda Legislature

6.—(1) Buganda shall be represented in the National Assembly by twenty-four members, that is to say, twenty-one members elected within Buganda (excluding the Municipality of Kampala) and three members elected within the Municipality of Kampala; and, subject to paragraph (2) of this article, the said members shall be directly elected in accordance with the Uganda law governing elections to the Assembly.

(2) If the Lukiko declares by resolution after any dissolution of the National Assembly and not less than fourteen days before the date fixed for the nomination of candidates at the general election of members of the Assembly following that dissolution that it so desires, the said twenty-one members for Buganda (excluding the Municipality of Kampala) shall, until the next dissolution of the Assembly, be indirectly elected by the Lukiko in accordance with the procedure set out in the Fourth Schedule to this Agreement from among the persons qualified under the Constitution of Uganda to be directly elected to the Assembly:

Provided that—

(*a*) if at any time the composition of the Lukiko (as provided for in the Constitution of Buganda) includes less than sixty-eight directly elected members then the said twenty-one members of the National Assembly shall be directly elected;

(*b*) only the directly elected members of the Lukiko, such Ministers of the Kabaka's Government who are members of the Lukiko by virtue of holding the office of Minister (not exceeding six in number) and such members of the Lukiko as may be appointed as such by the Kabaka (not exceeding six in number) shall be entitled to vote upon a resolution for the purposes of this paragraph or to take part in indirect elections of the said twenty-one members of the National Assembly; and

(*c*) if at any time any of the said twenty-one members of the National Assembly is not indirectly elected by the Lukiko by reason of any failure to comply with the procedure set out in the Fourth Schedule to this Agreement, then that member shall be directly elected in accordance with such provision as may be made by Uganda law.

(3) For the purposes of this article members of the Lukiko shall not be regarded as being directly elected unless they are elected—

(*a*) in constituencies in Buganda delimited by an independent Commissioner;

(*b*) at elections in which all persons who are for the time being registered in each such constituency in Buganda as voters for the purposes of direct elections to the National Assembly are entitled to vote in that constituency; and

(*c*) by secret ballot.

(4) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Legislative powers

7.—(1) Subject to the provisions of the Constitution of Uganda (including the provisions of the Constitution of Buganda included therein), the Legislature of Uganda and the Legislature of Buganda shall have concurrent power to make laws for the peace, order and good government of Buganda with respect to any matter :

Provided that—

(*a*) the Legislature of Uganda shall have exclusive power to make laws with respect to the matters specified in the Fifth Schedule to this Agreement ;

(*b*) the Legislature of Buganda shall have exclusive power to make laws with respect to the matters specified in the Sixth Schedule to this Agreement ; and

(*c*) in the case of conflict on concurrent matters the Uganda laws shall prevail.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Application of Buganda laws

8.—(1) No Buganda law shall subject any person who is not an African to any provision of Buganda customary or personal law or African customary or personal law, but, subject as aforesaid, a Buganda law may apply to any person in Buganda.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Buganda Courts

9.—(1) No Uganda law shall, to the extent that it alters or replaces the Buganda Courts Ordinance (Chapter 77 of the Laws of Uganda), be brought into operation unless the Lukiko has, by resolution, approved its coming into operation.

(2) The Uganda Government will take steps to give effect to the provisions of this article.

High Court of Buganda

10.—(1) There shall be a High Court of Buganda, which shall administer justice in the name of the Kabaka and in accordance with the laws of Uganda.

(2) The High Court of Buganda shall have the same jurisdiction in respect of Buganda as the High Court of Uganda has throughout Uganda, and such jurisdiction shall, in Buganda, be concurrent with the jurisdiction of the High Court of Uganda :

Provided that—

(*a*) the High Court of Buganda shall not have jurisdiction in proceedings for the determination of any question relating to the interpretation of the Constitution of Uganda ;

(*b*) the Chief Justice may make provision, by rules of court, for transferring any proceedings or matters between the High Court of Buganda and the High Court of Uganda.

Uganda Land Commission or in any other authority specified by the Uganda Government, which will re-imburse the Kabaka's Government the cost of the acquisition ;

(*b*) the purposes for which land may be compulsorily acquired by the Uganda Government will be :

(i) public purposes (as defined in existing Uganda law relating to the compulsory acquisition of land) ;

(ii) any other purpose that is for the general economic benefit of Uganda,

but no acquisition will be made for the purposes referred to in sub-paragraph (ii) of this paragraph unless the Uganda Government has appointed (after consultation with the Kabaka's Government) a person or persons recommended by the Judicial Service Commission to enquire into the proposed acquisition, and that person or those persons have reported that the acquisition will be for the general economic benefit of Uganda ;

(*c*) the Uganda Government and the Kabaka's Government (as hitherto) will have power to take possession of land for use as roads, railways, canals and for telegraphs and telephones, on the payment of compensation for disturbance and loss of crops and buildings only ;

(*d*) if the Uganda Government no longer requires land acquired on its behalf by the Kabaka's Government it shall offer it for sale to the Kabaka's Government at a fair market price.

(3) The official and personal land belonging to the Kabaka shall not be subject to compulsory acquisition.

(4) The Uganda Government and the Kabaka's Government will give effect to the provisions of this article.

Public safety and public order

14.—(1) The Kabaka's Government shall take all reasonable steps within its power to maintain public order and public safety in Buganda (which will be a concurrent responsibility of the Uganda Government and the Kabaka's Government) and (subject to the laws relating thereto) shall comply with the requirements of the Governor with respect to public safety and public order.

(2) The officers and authorities of the Kabaka's Government (including the Chiefs and the Kabaka's police force) and the officers and authorities of the Uganda Government will co-operate with each other in the discharge of their respective functions with respect to public safety and public order.

Police

15.—(1) In addition to the Uganda police force, there shall be a Kabaka's police force for Buganda, which will operate throughout Buganda and members of the force shall have powers and duties similar to those members of the Uganda police force of corresponding rank.

(2) The Kabaka's police force shall be commanded by its own officers, but subject to the authority of the Inspector-General of the Uganda police force, to which the Kabaka hereby gives his consent.

(3) If any powers are conferred by law on the Governor of Uganda to give directions to the Inspector-General of Police with respect to the operational control of the police forces, those powers shall not, as respects directions relating to the operational control of the Kabaka's police force, be delegated to any person.

(4) The power to appoint and to exercise disciplinary control over senior ranks in the Kabaka's police force shall vest in the Public Service Commission of Buganda, acting after consultation with the Inspector-General. There shall be a right of appeal from disciplinary decisions of the Public Service Commission of Buganda relating to senior ranks of the Kabaka's police force to a tribunal appointed by the Kabaka on the advice of the Public Service Commission of Uganda.

(5) The power to appoint and exercise disciplinary control over junior police officers in the Kabaka's police force shall vest in the officer in charge of the force. Selection for appointment of junior officers in the force shall be subject to confirmation by the Inspector-General and shall be made in such manner as the Inspector-General may prescribe. Disciplinary decisions of the officer in charge of the Kabaka's police force relating to junior ranks shall be subject to confirmation by, or a right of appeal to, the Inspector-General in such manner as the Inspector-General may prescribe.

(6) The officer in charge of the Kabaka's police force shall be appointed by the Kabaka on the recommendation of the Public Service Commission of Buganda, which shall consult the Public Service Commission of Uganda and the Inspector-General.

(7) A Uganda law will be enacted to provide for the establishment of a Kabaka's police force, the powers, duties and responsibilities of the force and the members thereof, and for the appointment and disciplinary control of members of the force.

(8) Subject to the provisions of the Constitution of Uganda, the relations between the Uganda police force and the Kabaka's police force shall be conducted in accordance with the principles set out in the minute reproduced in the Ninth Schedule to this Agreement.

(9) Her Majesty's Government, the Uganda Government and the Kabaka's Government will take the necessary steps to give effect to the provisions of the article.

Local Government in Buganda

16.—(1) A Buganda law will be enacted as soon as practicable to establish a Council in each area of local government within the authority of the Kabaka's Government and to provide for the powers, duties and responsibilities of those Councils.

(2) Until a Buganda law is enacted in pursuance of paragraph (1) of this article towns in Buganda shall remain subject to the Urban Authorities Ordinance, 1958, of Uganda, with a Minister of the Buganda Government performing the functions of the Minister thereunder, and the Uganda Government will take steps accordingly.

Administration of certain towns

17.—(1) The Uganda Government shall have responsibility for the administration of the Municipality of Kampala, which is part of Buganda and which

will be the capital of Uganda. The Uganda Government shall establish a Joint Advisory Committee for Kampala which will consist of nine members appointed by the Governor; of the nine members of the Committee three will be appointed in accordance with the advice of the Uganda Government, three will be appointed in accordance with the advice of the Kabaka's Government, and three will be appointed in accordance with the advice of the Municipality of Kampala. The Committee will appoint a Chairman from amongst its members. The Minister of the Uganda Government responsible for the administration of Kampala shall consult the Joint Advisory Committee in the exercise of his powers in that behalf. The Uganda Government will take the necessary steps to give effect to this paragraph of this article.

(2) Responsibility for the administration of Entebbe, which is a Buganda town, will be delegated by the Kabaka's Government to the Uganda Government for the period of twenty-five years from the date of the coming into force of this Agreement.

(3) The administration of Masaka shall be the responsibility of the Kabaka's Government, which will discharge its responsibility in conformity with the local government policy of the Uganda Government.

(4) Pending further discussions concerning the future administration of Mubende the present arrangements will continue.

(5) The administration of Njeru, which is a Buganda town, shall be the responsibility of the Uganda Government, but the Uganda Government and the Kabaka's Government will consult together with regard to its future status and administration.

(6) The boundaries of the Municipality of Kampala and the towns of Entebbe, Masaka, Mubende and Njeru shall be such as are from time to time agreed between the Uganda Government and the Kabaka's Government.

Exemptions from Taxation, etc.

18.—(1) The power of the Uganda Legislature to make laws with respect to taxation (as well as its powers to make laws with respect to any other matter) includes power to make laws applicable to all persons in Uganda, including Buganda.

(2) The Kabaka of Buganda shall be exempt from direct personal taxation under the laws of Uganda.

(3) Except as provided in paragraph (2) of this article, all exemptions from taxation provided for in the Buganda Agreements, 1894 to 1955, shall cease.

Crown Land in Buganda

19.—(1) The freehold of Crown Land in Buganda occupied by the Uganda Government for its own purposes shall be vested in a Commission for public land (hereinafter called "the Uganda Land Commission"), which shall hold the land on behalf of the Uganda Government for the benefit of all people of Uganda (including the people of Buganda).

(2) The freehold of Crown Land in Buganda occupied by the authorities specified in the Eighth Schedule to this Agreement for their own respective purposes shall be vested in those authorities :

Provided that provision shall be made in the instrument vesting land in any such authority that if the land ceases to be used for the purposes of that authority, the title of the authority to the land shall be determined ; and the land shall then be vested in the appropriate land authority in accordance with the provisions of paragraphs (4) and (5) of this article.

(3) There shall be a Land Board for Buganda (hereinafter referred to as " the Buganda Land Board "), in which shall be vested all public land of the Kabaka's Government ; the Board shall hold such land in the name of the Kabaka on behalf of and for the benefit of the people of Buganda.

(4) Upon the establishment of the Buganda Land Board, the Crown shall transfer to the Board all Crown Land in Buganda, except land vested in the Uganda Land Commission or the authorities specified in the Eighth Schedule in pursuance of paragraph (1) or (2) of this article.

(5) The Buganda Land Board shall grant leases of all public land vested in it in pursuance of this article that is situate within the Municipality of Kampala or the towns of Masaka, Entebbe, Mubende and Njeru to the Municipality or the town Board, as the case may be, for terms of one hundred and ninety-nine years at a rent of one shilling per annum without restrictions as to its use.

(6) The transfer of land to the Buganda Land Board in pursuance of this article shall not affect the obligations and rights of existing lessees, licensees or other grantees.

(7) Until a Buganda law is enacted for the general regulation of land tenure in Buganda, every temporary occupation licence in respect of land vested in the Buganda Land Board in pursuance of this article shall, if the licensee has complied with the terms of the licence, be renewed by the Board, whenever it expires, for a term similar to the terms for which it was last granted.

(8) The freehold and leasehold interests vested in the Uganda Land Commission, the Buganda Land Board and the Municipality of Kampala and town Boards in pursuance of this article will be protected by the Constitution of Uganda.

(9) Her Majesty's Government, the Uganda Government and the Kabaka's Government will take steps to give effect to the provisions of this article.

Government Forests

20.—(1) Upon the establishment of the Buganda Land Board, the Uganda Government shall transfer all government forests (as defined in the Uganda Memorandum of Agreement (Forests) 1907) except forests within the Municipality of Kampala to the Board.

(2) The forests transferred to the Buganda Land Board under this article shall be administered and controlled on behalf of the Board by the Uganda Government for such period as may be agreed between the Uganda Government and the Kabaka's Government, and during that period the cost of the administration of those forests, and the profits derived therefrom, shall be divided between the two Governments in such manner as they may agree.

Minerals

21.—(1) All minerals found in Mailo land shall belong to the owner of the land, who shall pay to the Uganda Government an ad valorem royalty of ten per cent. upon all minerals extracted from the land.

(2) All minerals found on public land vested in the Buganda Land Board under article 19 or 20 of this Agreement shall belong to the Uganda Government, but if the Uganda Government wishes to extract minerals from any such land it shall pay to the Board an amount equal to the sum that would be payable to the owner of that land if that land (exclusive of minerals) had been compulsorily acquired by the Uganda Government under the general law of Uganda relating to compulsory acquisition of land.

(3) The Uganda Government will take steps to give effect to the provisions of this article.

Privileges of Members of Lukiko

22.—(1) The members of the Lukiko shall be accorded the same parliamentary privileges as are accorded to members of the National Assembly.

(2) The Uganda Government will take steps to give effect to the provisions of this article.

Remission of Sentences

23.—(1) The Kabaka (acting on the advice of his Ministers) may exercise powers of commutation and remission of sentences of imprisonment, similar to those of the Governor, in respect of persons convicted in the Kabaka's Courts and imprisoned in a prison of the Kabaka's Government in such cases and subject to such conditions as may be prescribed by the Governor.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Determination of disputes

24.—(1) The Governor, may, and shall, if so requested by the Kabaka's Council of Ministers or the Kabaka (in respect of any matter affecting his personal position or functions), refer to the High Court of Uganda any justiciable issue that is in dispute between Her Majesty's Government or the Uganda Government on the one hand and the Buganda Government on the other hand arising out of the provisions of this Agreement, and the High Court shall determine the question in accordance with such procedure as the Chief Justice may direct.

(2) Appeals from the determinations of the High Court of questions referred to in accordance with the paragraph (1) of this article shall lie direct to Her Majesty in Council in accordance with such procedure as Her Majesty in Council or the Chief Justice may direct, and accordingly no appeal shall lie to the Court of Appeal for Eastern Africa.

(3) Nothing in this article shall apply to questions relating to the interpretation of the Constitution of Uganda.

(4) Her Majesty's Government will take steps to give effect to the provisions of paragraphs (1) and (2) of this article in the Constitution of Uganda.

Dissolution of Lukiko

25.—(1) The Lukiko constituted by the Buganda Agreement, 1955, shall stand dissolved upon the date appointed for the coming into force of this article.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article.

Interpretation

26. There shall be an English text and a Luganda text of this Agreement, each of which shall be executed by the Parties, but, for the purposes of interpretation, regard shall be had only to the English version.

FIRST SCHEDULE

Article 1

The Buganda Agreement, 1894.
The Buganda Agreement, 1900.
The Uganda Agreement (Judicial) 1905.
The Uganda Memorandum of Agreement (Forests), 1907.
The Uganda (Payment to Chiefs) Agreement, 1908.
The Buganda Agreement (Allotment and Survey), 1913.
The Uganda Agreement (Poll Tax), 1920.
The Buganda Agreement, 1955.

SECOND SCHEDULE

Article 4

(The definition of the boundaries of Buganda contained in this Schedule will describe the present boundaries.)

THIRD SCHEDULE

THE CONSTITUTION OF BUGANDA

Interpretation

1.—(1) In this Constitution unless the context otherwise requires—

"Lukiko" means the Lukiko of Buganda;

"Minister" means a member of the Ministry constituted by article 4 of this Constitution;

"minor" means, in relation to the Kabaka, a person under the age of eighteen years.

(2) Any reference in this Constitution to an officer in the service of the Uganda Government or the Kabaka's Government by the term designating his office shall be construed as a reference to the officer for the time being lawfully performing the functions of the office.

2.—(1) The Kabaka (King) who is the Ruler of Buganda shall be elected, as has been done in the case of the present Kabaka, by a majority of votes in the Lukiko.

(2) The range of election shall be limited to the Royal Family of Buganda, that is to say, the descendants of Kabaka Mutesa I.

(3) The Kabaka shall enjoy all the titles, dignities and pre-eminence that attach to the office of Kabaka under the law and custom of Buganda and the Namasole, the Nalinya Lubuga and the other members of the Royal Family of Buganda shall enjoy all such titles and precedence as they have heretofore enjoyed.

(4) The Kabaka will take precedence over all persons in Buganda except Her Majesty and Her Majesty's representative (except when the latter is taking part in functions relating solely to Buganda).

Regents

3.—(1) (*a*) If at any time the Kabaka is a minor or is unable, other than by reason only of his absence from Buganda, to perform his functions under this Constitution, the Lukiko shall elect three persons to be Regents.

(*b*) A Regent elected under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) when the Kabaka becomes able to perform his functions under this Constitution;

(ii) if he resigns by writing under his hand addressed to the Speaker ; or

(iii) if his appointment is terminated by resolution of the Lukiko upon a motion proposed by not less than twenty members of the Lukiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiko.

(*c*) The Lukiko may elect a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(2) (*a*) Whenever the Kabaka has occasion to be absent from Buganda, he may by writing under his hand appoint three persons to be Regents during such absence.

(*b*) A Regent appointed under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) upon the return of the Kabaka to Buganda ;

(ii) if he resigns by writing under his hand addressed to the Kabaka ;

(iii) if his appointment is terminated by the Kabaka ;

(iv) if the Kabaka ceases to be able to perform his functions under this Constitution otherwise than by reason of absence from Buganda.

(*c*) The Kabaka may appoint a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(*d*) The powers referred to in this paragraph shall not be exercisable during any period in which the Kabaka is a minor or is for any other cause other than absence from Buganda unable to perform his functions under this Constitution.

(3) During the subsistence of a Regency under paragraph (1) or paragraph (2) of this article, the Regents shall, so long as they observe the terms of this Constitution and subject to the provisions of paragraph (4) of this article, have full authority to perform the functions of the Kabaka under this Constitution.

(4) A Regent shall not assume the functions of the office of Regent unless he has first taken an oath for the due performance of the office in the form following: —

"I.....do hereby swear that I will be loyal to the Kabaka of Buganda, his heirs and successors, and will well and truly perform the functions of the office of Regent of Buganda according to law and will uphold the peace, order and good government of Buganda, and will do right to all manner of people, according to the Constitution, the laws, and the customs of Buganda, without fear or favour, affection or ill-will. So help me God."

(5) (*a*) Any function of the Kabaka under this Constitution shall be performed by the Regents in the same manner, so far as custom allows, as that in which the functions would be performed by the Kabaka save that the signature of two Regents shall be a sufficient signification of the will of the Regents.

(*b*) Where any matter is dependent on the decision of the Regents, any decision shall be regarded as the decision of the Regents if two of the Regents are in favour thereof.

(*c*) If any Regent is absent from Buganda or for any other reason unable to perform the functions of a Regent or if the office of one of the Regents is vacant, it shall be sufficient if the functions of the Regents are performed by two Regents.

4.—(1) There shall be a Ministry for Buganda, which shall be called "the Kabaka's Council of Ministers" and is hereinafter sometimes for brevity referred to as "the Ministry".

(2) The Kabaka's Council of Ministers shall consist of—

(*a*) The Katikiro ;

(*b*) the Omulamuzi ;

(*c*) the Omuwanika ;

(*d*) The Minister of Health and Works ;

(*e*) The Minister of Education ;

(*f*) The Minister of Natural Resources ;

(*g*) The Minister of Local Government ;

Provided that the number and designation of members of the Ministry other than the Katikiro, the Omulamuzi and the Omuwanika may be varied from time to time by resolution passed by the Lukiko.

(3) When there is occasion for the resignation of the Ministry to be tendered, the Katikiro shall tender the resignation of the Ministers collectively to the Kabaka through the Speaker, and the Kabaka shall thereupon accept the resignation.

Provided that where the resignation is tendered in accordance with the provisions of Article 7 of this Part of this Constitution, the Kabaka shall not accept the resignation until the Katikiro designate submits to him the names of persons selected for the ministerial offices in accordance with paragraph (6) of Article 9 of this Part of this Constitution.

(4) Each member of the Ministry shall have such responsibilities as may be determined by the Katikiro.

Conduct of Kabaka's Government

5.—(1) The Kabaka's Council of Ministers as a whole shall be charged with the conduct of the Kabaka's Government, and each Minister shall be individually responsible for such departments of the Kabaka's Government as may be placed in his charge.

(2) All acts of the Kabaka's Government shall, save in so far as law and customs otherwise require, be done in the name of the Kabaka.

(3) Where any function under this Constitution is exercisable by the Kabaka, that function shall, unless a contrary intention appears, be exercised by him by means of a written instrument signed by him in the presence of a Minister, who shall sign the same as witness.

(4) (*a*) Where it is provided in this Constitution that the Kabaka may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(*b*) (i) A statement in writing signed by the Katikiro that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Katikiro or of the Ministry in accordance with the recommendation shall be conclusive evidence of that fact.

(ii) A certified true copy of a minute of the Buganda Appointments Board or of any committee appointed by the Kabaka under this Constitution recording that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Board or committee in accordance with the recommendation shall be conclusive evidence of that fact.

Kabaka to be kept informed

6. The Katikiro shall keep the Kabaka fully informed on all important matters concerning the Kabaka's Government.

Procedure when Lukiko meets after dissolution

7.—(1) When the Lukiko meets for the first time after any dissolution thereof, the resignation of the Kabaka's Council of Ministers then in office shall be tendered.

(2) When the resignation of the Ministry has been tendered in accordance with paragraph (1) of this article, a Katikiro designate shall be elected in accordance with the procedure laid down in Article 8 of this Constitution and

candidates for the ministerial offices shall be elected in accordance with the procedure laid down in Article 9 of this Constitution.

Election of Katikiro designate

8.—(1) The Speaker shall fix a day by which nominations of candidates for the office of Katikiro shall be submitted to him.

(2) (*a*) Any person may be nominated as a candidate for the office of Katikiro, whether or not he is a member of the Lukiko by not less than five members of the Lukiko.

(*b*) Nominations shall be submitted in writing signed by the members making them, to the Speaker on or before the day fixed by him in that behalf.

(3) The Speaker shall prepare a list of the persons who have been duly nominated and shall cause copies of the list to be laid before the Lukiko.

(4) On the fifth weekday after the list has been so laid or such other day as the Speaker shall consider convenient, the Lukiko shall by secret ballot elect as Katikiro designate one of the persons whose name appears on the list.

(5) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of election under this Article.

Election of candidates for ministerial offices

9.—(1) When the Katikiro designate has been elected, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Katikiro shall be submitted to him.

(2) Any person may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiko, either by the Katikiro designate or by not less than three members of the Lukiko.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf ;

Provided that—

(*a*) no persons other than the Katikiro designate shall join in nominating more than three candidates ;

(*b*) the Katikiro designate shall not nominate more than five candidates.

(4) The Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiko and if the names of more than fifteen persons appear in the list, the Lukiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices fifteen persons from among those persons whose names appear in the list.

(5) The Katikiro designate shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates (or, if the names of more than fifteen persons appear in that list, from the names of the persons elected as candidates by the Lukiko).

(6) The Katikiro designate shall submit the names of the persons selected under the foregoing provisions of this article to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office.

(7) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

Appointment of Ministers

10. When the names of persons selected for the ministerial offices have been submitted to the Kabaka, the Kabaka shall appoint the Katikiro designate

The Buganda 1961 helped consolidate both private mailo land and public mailo land and how the same was supposed to be managed in Uganda and Buganda. Infact from the above presents its very clear that there is no way you can have a freehold in Buganda. The reason for this is that even crown lands were run on leases that subsisted for maximum 99 years. **The procedure in which Europeans could take interest in mailo land was provided for under the Crown Lands Ordinance 190 which covered both Crown land and mailo land leased to Europeans.** The following sections are pertinent:

10. No lease of Crown land (read mailo land as well) shall exceed ninety-nine years.

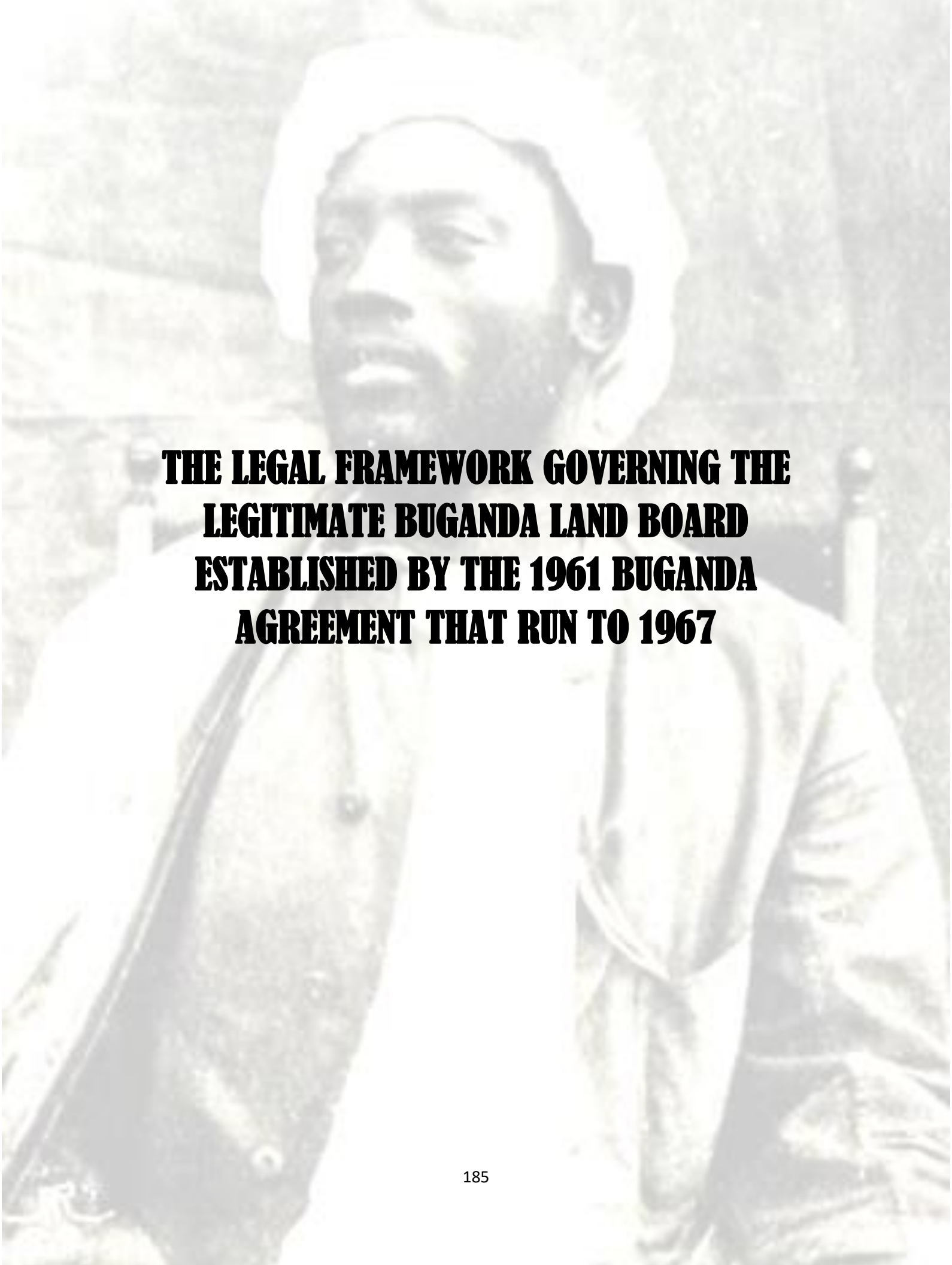
14. Except where expressly varied or excepted there shall be implied in every lease under this Ordinance covenants by the lessee (a) not to assign, except by will, the land leased or any part of it without the previous consent of the Commissioner (Governor.)

So even the crown; lands we are talking about are mailo lands that have leases established on them and this is the wisdom that the Registrar of Lands was supposed to carry forward with trite wisdom. Under the Registration of Titles Ordinance, 1908, it was provided that "in cases in which the land shall have been surveyed and demarcated by the Government surveyor the land officer would prepare a duplicate in the

prescribed forms of (a) all Crown Grants of land both in fee and a for term of years and (b) of all Final Mailo Certificates issued by Government to native owners."

The Buganda Land Board and the Uganda Land Commission was formed in 1961 vides the Buganda Agreement but you should have been privy to titles some even used in court for evidence that are drawn as freeholds as early as the 1920s. These titles are forged and illegal for there is no way they would have been made when the authority authorized to do them did not exist. A time comes in life when the truth sets you free. Above all, don't lie to yourself. The man who lies to himself and listens to his own lie comes to a point that he cannot distinguish the truth within him, or around him, and so loses all respect for himself and for others. And having no respect he ceases to love. The Mengo Boys have gotten to this level where for them the truth is not important and they will live a lie but I think the change is now.

The 1961 Buganda Agreement properly defined how the land will be dealt with in Buganda.



THE LEGAL FRAMEWORK GOVERNING THE LEGITIMATE BUGANDA LAND BOARD ESTABLISHED BY THE 1961 BUGANDA AGREEMENT THAT RUN TO 1967

INCORPORATED HEREIN IS THE 1958 Buganda Agreement for your review and verification.

Below it is the 1961 Buganda Agreement in its original copy for your review and verification. After having become privy to these two, we will now consider how the Buganda Land Board was formulated and its mandate in Uganda. Thereafter we will look at the 1962 constitution of Uganda and how it took cognizance of the land matters in Uganda. We should note that at the time when these laws were made, we had in our legal system the Registration of titles act that had been made in 1924 and the named, The Registration of titles Act, 1924.

What is Buganda Land Board?

Buganda Land Board is an institution that was formed by the 1961 Buganda Agreement that was executed by and between the colonial Government and the Buganda Administration at the time to manage the Public Mailo land of the Buganda Government like the Uganda Land Commission at the same time was made to manage the public crown land. The Buganda Land Board was formulated and was supposed to be managed by the members that are chosen by the Lukiko with Mirror reporting to Parliament of Uganda. Given that the Buganda Land Board is supposed to be operating under the same mandate as the Uganda Land Commission, it has a double tier rensiposnibilty to the Government of Uganda and the Buganda

Kingdom. This then makes it a quasi-parastatal which in effect should comply with all the laws governing parastatals.

This automatically implies that," The Directors of the company are responsible for the preparation and fair presentation of the financial statements in accordance with the International Financial Reporting Standards and the requirements of the Companies' Act. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, selecting and applying appropriate accounting policies and making accounting estimates that are reasonable in the circumstances. This also implies that as mandated by Article 163 (3) of the Constitution of the Republic of Uganda, 1995 (as amended), the Auditor General of Uganda is required to audit and report on the public accounts of Uganda and of all public offices including the courts, the central and local government administrations, universities and public institutions of the like nature and any public corporation or other bodies or organizations established by an Act of Parliament. Accordingly, the auditor general is supposed to carry out the audit of the Buganda Land Board to enable him report to Parliament.

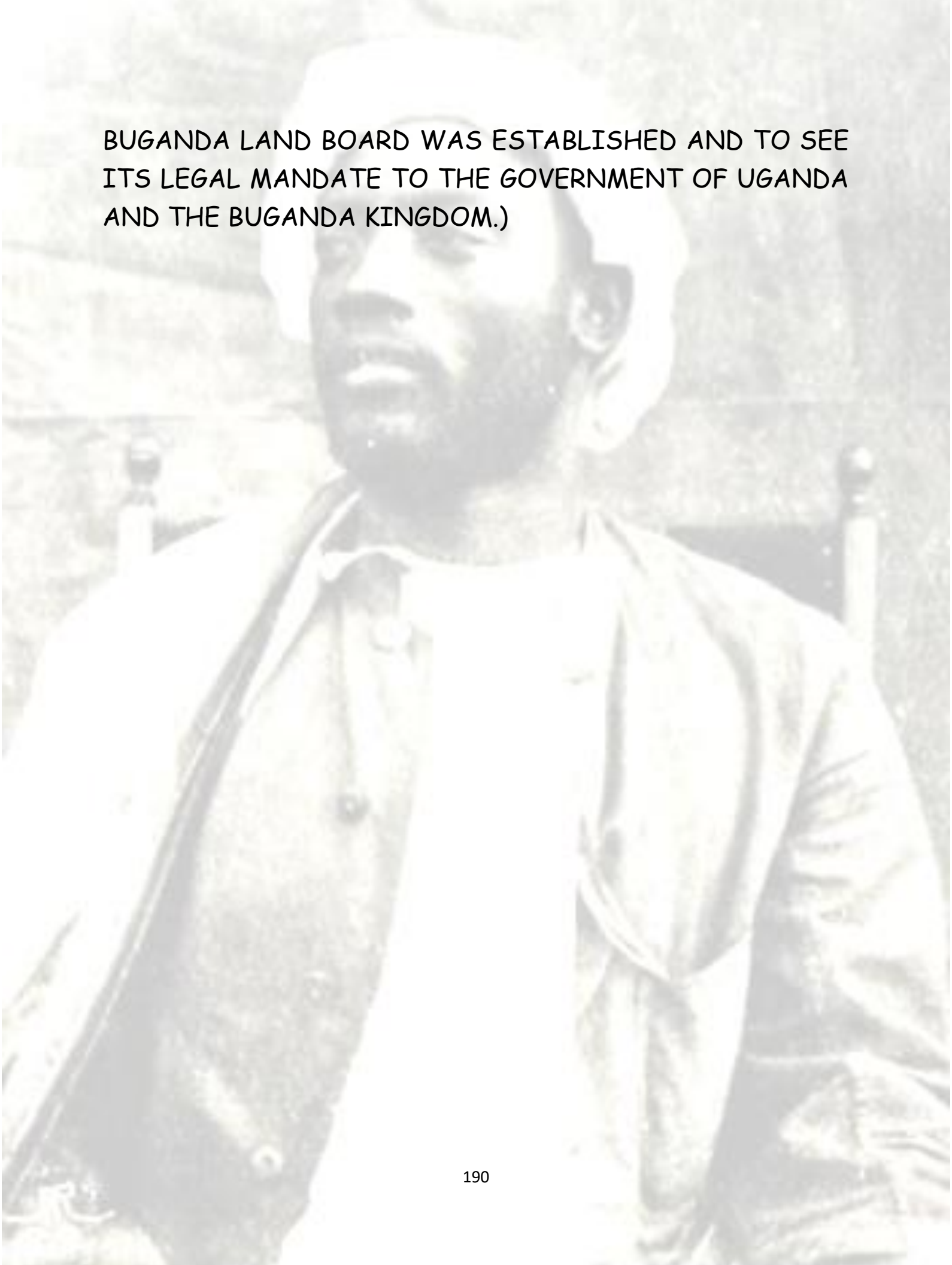
OBJECTIVES OF THE COMPANY

The key objectives of the Buganda Land Board are:- (i) To take over ownership of all real estate properties abroad belonging to the Buganda Government and any other property that the Buganda Government might wish to vest in the Company and to manage, hold and administer all such property/properties that do fall under the domain of Public Mailo and not any other. (ii) To operate as a holding and investment Company, and to acquire such freehold, leasehold or other interest in the property of Buganda Kingdom government in compliance with the legal mandates that are spelt out in the constitution, the land act and the Registration of titles act. (iii) To build, construct, maintain, alter, renovate, repair, furnish, enlarge, or pool company properties, collect rents and incomes from such property for the benefit of the Buganda Kingdom and the Uganda Government as mandated by the 1961,Buganda agreement , a copy which I have put here below for your reference. This subsequently implies that like any other parastatal the Buganda Land Board that is formed under the mandate of the 1961 Buganda Agreement is supposed to be subject to an audit whose objectives are stated hereunder for your review, verification and information.

The audit is supposed to be carried out in accordance with International Standards on Auditing and accordingly included a review of the accounting records and agreed procedures as

was considered necessary. In conducting such reviews, special attention is supposed to be paid to establish:- a) Whether the Company managers were managing the Company in accordance with the Companies Act; b) Whether the financial statements present a true and fair view of the financial position as at the accounting period end, and its revenue and expenditure incurred for the period in conformity with the IFRS; c) Whether the Company had adhered to the established financial compliance requirements; d) Whether goods and services financed had been procured in accordance with the procurement law; e) Whether all necessary supporting documents, records and accounts were kept in respect of all Company activities and whether the linkages exist between the books of accounts and the financial statements; f) That the Company's internal control structure for financial reporting and/or safeguarding assets, including controls in computer based systems were suitably designed and implemented to achieve the control objective; and g) That the internal controls were in compliance with the relevant laws, policies, practices and regulations governing procurements, accounting and human resource. With this background made we then share the 1961 Buganda Agreement via this link that I have given you below.(PLEASE READ INSERT OF THE BUGANDA AGREEMENT 1961 ON NEXT PAGE FOR THE BUGANDA 1961 AGREEMENT)(SPECOFICALLY FOR LAND LOOK AT EFFECT NUMBERS 19 TO 21 TO SEE HOW THE

BUGANDA LAND BOARD WAS ESTABLISHED AND TO SEE ITS LEGAL MANDATE TO THE GOVERNMENT OF UGANDA AND THE BUGANDA KINGDOM.)



COLONIAL OFFICE

UGANDA

REPORT OF THE UGANDA CONSTITUTIONAL CONFERENCE, 1961

AND

TEXT OF THE AGREED DRAFT OF A NEW BUGANDA AGREEMENT INITIALLED IN LONDON ON 9TH OCTOBER, 1961

Presented to Parliament by the Secretary of State for the Colonies
by Command of Her Majesty
October 1961

LONDON
HER MAJESTY'S STATIONERY OFFICE
FIVE SHILLINGS NET
1523

TEXT OF THE AGREED DRAFT OF A NEW BUGANDA AGREEMENT

(Signed) IAIN MACLEOD
M. KINTU

AGREED DRAFT
THE BUGANDA AGREEMENT 1961

Whereas the Kingdom of Buganda (hereinafter called "Buganda") is under Her Majesty's protection and is one of the Provinces of the Protectorate of Uganda (hereinafter called "Uganda"):

And whereas the relationship between Her Majesty's Government, the Government of Uganda, and the Government of Buganda (hereinafter called "the Kabaka's Government") is defined in the Buganda Agreements, 1894 to 1955, between Her Majesty and the Kabaka, Chiefs and people of Buganda:

And whereas at discussions held in London in the months of September and October, 1961, between representatives of Her Majesty's Government and representatives of Uganda (including representatives of the Government of Uganda and the Kabaka's Government) it was decided to recommend that a new Constitution should be established for Uganda under which Uganda would enjoy internal self-government and Buganda would be united with the rest of Uganda in a federal relationship:

And whereas it was also decided at the said discussions to recommend that the said Constitution should provide for a central Government for Uganda (hereinafter called "the Uganda Government") and a central legislative assembly (hereinafter called "the National Assembly") which will include eighty-two elected members and that certain provisions should be made for the relations between the Government of Uganda and the constituent parts of Uganda (including Buganda):

And whereas it is accordingly desirable that the relations between Her Majesty's Government, the Uganda Government and the Kabaka's Government should be re-defined in an Agreement between Her Majesty and the Kabaka, Chiefs and people of Buganda the provisions of which will come into force upon the introduction of the said new constitutional arrangements and which will subsist until Her Majesty's Government ceases to have responsibility for the government of Uganda:

And whereas an assurance was given at the said discussions on behalf of Her Majesty's Government that before Her Majesty's Government ceases to have responsibility for the government of Uganda there would be consultations in which the Kabaka's Government would participate:

Now therefore, it is hereby agreed and declared as follows:—

Citation, commencement and revocation

(1) This Agreement may be cited as the Buganda Agreement, 1961.

(2) The Agreements in the First Schedule to this Agreement are revoked:

Provided that the said revocation shall not affect any title to Mailo land.

(3) The provisions of this Agreement shall come into force at such time as may be appointed by the Governor, after consultation with the Kabaka's Government:

Provided that different dates may be appointed for the coming into operation of different provisions.

Interpretation

2. In this Agreement unless the context otherwise requires—" African " has the same meaning as it has under the provisions of the Interpretation and General Clauses Ordinance (Chapter I of the laws of Uganda) or any law amending or replacing that Ordinance ;

" Buganda law " means a law enacted by the Legislature of Buganda ;

" the Lukiko " means the Lukiko (Parliament) established by the Constitution of Buganda ;

" personal law " means any law or custom that is limited in its operation to a particular description or class of persons and, without prejudice to the generality of the foregoing, includes any such law or custom relating to inheritance, marriage, divorce or religion and all Buganda laws in force on the date of the coming into force of this Agreement ;

" Uganda law " means a law enacted by the Legislature of Uganda.

The Kabaka

3. The Kabaka of Buganda shall be entitled to the style of " His Highness " and, on ceremonial occasions, to a salute of fifteen guns.

Status of Buganda

4. (1) Buganda shall be united in federal relationship with the rest of Uganda in accordance with the Constitutions of Uganda and Buganda.

(2) The boundaries of Buganda shall be as set out in the Second Schedule to this Agreement.

Constitution of Buganda

5. (1) The Constitution of Buganda as a Kingdom within Uganda shall be as set out in the Third Schedule to this Agreement.

(2) The provisions of the Constitution of Buganda may be altered by a Buganda law:

Provided that—

(*a*) a Bill for a Buganda law altering the provisions of the said Constitution shall not be passed in the Lukiko unless it has been supported on the final vote thereon by the votes of not less than two-thirds of all the members of the Lukiko :

(*b*) no Buganda law, to the extent that it alters the provisions of Article 20, 21, 22, 23, 24, 25, 32, 33 or 34 of the said Constitution shall have effect unless the consent of Her Majesty's Government to its having effect has been signified by Proclamation of the Governor published in the Uganda Gazette.

(3) Her Majesty's Government will take steps to give the Constitution of Buganda the force of law as part of the Constitution of Uganda.

Representation of Buganda in the Uganda Legislature

6.—(1) Buganda shall be represented in the National Assembly by twenty-four members, that is to say, twenty-one members elected within Buganda (excluding the Municipality of Kampala) and three members elected within the Municipality of Kampala ; and, subject to paragraph (2) of this article, the said members shall be directly elected in accordance with the Uganda law governing elections to the Assembly.

(2) If the Lukiko declares by resolution after any dissolution of the National Assembly and not less than fourteen days before the date fixed for the nomination of candidates at the general election of members of the Assembly following that dissolution that it so desires, the said twenty-one members for Buganda (excluding the Municipality of Kampala) shall, until the next dissolution of the Assembly, be indirectly elected by the Lukiko in accordance with the procedure set out in the Fourth Schedule to this Agreement from among the persons qualified under the Constitution of Uganda to be directly elected to the Assembly :

Provided that—

(*a*) if at any time the composition of the Lukiko (as provided for in the Constitution of Buganda) includes less than sixty-eight directly elected members then the said twenty-one members of the National Assembly shall be directly elected ;

(*b*) only the directly elected members of the Lukiko, such Ministers of the Kabaka's Government who are members of the Lukiko by virtue of holding the office of Minister (not exceeding six in number) and such members of the Lukiko as may be appointed as such by the Kabaka (not exceeding six in number) shall be entitled to vote upon a resolution for the purposes of this paragraph or to take part in indirect elections of the said twenty-one members of the National Assembly ; and

(*c*) if at any time any of the said twenty-one members of the National Assembly is not indirectly elected by the Lukiko by reason of any failure to comply with the procedure set out in the Fourth Schedule to this Agreement, then that member shall be directly elected in accordance with such provision as may be made by Uganda law.

(3) For the purposes of this article members of the Lukiko shall not be regarded as being directly elected unless they are elected—

(*a*) in constituencies in Buganda delimited by an independent Commissioner ;

(*b*) at elections in which all persons who are for the time being registered in each such constituency in Buganda as voters for the purposes of direct elections to the National Assembly are entitled to vote in that constituency ; and

(*c*) by secret ballot.

(4) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Legislative powers

7.—(1) Subject to the provisions of the Constitution of Uganda (including the provisions of the Constitution of Buganda included therein), the Legislature of Uganda and the Legislature of Buganda shall have concurrent power to make laws for the peace, order and good government of Buganda with respect to any matter :

Provided that—

(*a*) the Legislature of Uganda shall have exclusive power to make laws with respect to the matters specified in the Fifth Schedule to this Agreement ;

(*b*) the Legislature of Buganda shall have exclusive power to make laws with respect to the matters specified in the Sixth Schedule to this Agreement ; and

(*c*) in the case of conflict on concurrent matters the Uganda laws shall prevail.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Application of Buganda laws

8.—(1) No Buganda law shall subject any person who is not an African to any provision of Buganda customary or personal law or African customary or personal law, but, subject as aforesaid, a Buganda law may apply to any person in Buganda.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Buganda Courts

9.—(1) No Uganda law shall, to the extent that it alters or replaces the Buganda Courts Ordinance (Chapter 77 of the Laws of Uganda), be brought into operation unless the Lukiko has, by resolution, approved its coming into operation.

(2) The Uganda Government will take steps to give effect to the provisions of this article.

High Court of Buganda

10.—(1) There shall be a High Court of Buganda, which shall administer justice in the name of the Kabaka and in accordance with the laws of Uganda.

(2) The High Court of Buganda shall have the same jurisdiction in respect of Buganda as the High Court of Uganda has throughout Uganda, and such jurisdiction shall, in Buganda, be concurrent with the jurisdiction of the High Court of Uganda :

Provided that—

(*a*) the High Court of Buganda shall not have jurisdiction in proceedings for the determination of any question relating to the interpretation of the Constitution of Uganda ;

(*b*) the Chief Justice may make provision, by rules of court, for transferring any proceedings or matters between the High Court of Buganda and the High Court of Uganda.

Uganda Land Commission or in any other authority specified by the Uganda Government, which will re-imburse the Kabaka's Government the cost of the acquisition ;

(*b*) the purposes for which land may be compulsorily acquired by the Uganda Government will be :

(i) public purposes (as defined in existing Uganda law relating to the compulsory acquisition of land) ;

(ii) any other purpose that is for the general economic benefit of Uganda,

but no acquisition will be made for the purposes referred to in sub-paragraph (ii) of this paragraph unless the Uganda Government has appointed (after consultation with the Kabaka's Government) a person or persons recommended by the Judicial Service Commission to enquire into the proposed acquisition, and that person or those persons have reported that the acquisition will be for the general economic benefit of Uganda ;

(*c*) the Uganda Government and the Kabaka's Government (as hitherto) will have power to take possession of land for use as roads, railways, canals and for telegraphs and telephones, on the payment of compensation for disturbance and loss of crops and buildings only ;

(*d*) if the Uganda Government no longer requires land acquired on its behalf by the Kabaka's Government it shall offer it for sale to the Kabaka's Government at a fair market price.

(3) The official and personal land belonging to the Kabaka shall not be subject to compulsory acquisition.

(4) The Uganda Government and the Kabaka's Government will give effect to the provisions of this article.

Public safety and public order

14.—(1) The Kabaka's Government shall take all reasonable steps within its power to maintain public order and public safety in Buganda (which will be a concurrent responsibility of the Uganda Government and the Kabaka's Government) and (subject to the laws relating thereto) shall comply with the requirements of the Governor with respect to public safety and public order.

(2) The officers and authorities of the Kabaka's Government (including the Chiefs and the Kabaka's police force) and the officers and authorities of the Uganda Government will co-operate with each other in the discharge of their respective functions with respect to public safety and public order.

Police

15.—(1) In addition to the Uganda police force, there shall be a Kabaka's police force for Buganda, which will operate throughout Buganda and members of the force shall have powers and duties similar to those members of the Uganda police force of corresponding rank.

(2) The Kabaka's police force shall be commanded by its own officers, but subject to the authority of the Inspector-General of the Uganda police force, to which the Kabaka hereby gives his consent.

(3) If any powers are conferred by law on the Governor of Uganda to give directions to the Inspector-General of Police with respect to the operational control of the police forces, those powers shall not, as respects directions relating to the operational control of the Kabaka's police force, be delegated to any person.

(4) The power to appoint and to exercise disciplinary control over senior ranks in the Kabaka's police force shall vest in the Public Service Commission of Buganda, acting after consultation with the Inspector-General. There shall be a right of appeal from disciplinary decisions of the Public Service Commission of Buganda relating to senior ranks of the Kabaka's police force to a tribunal appointed by the Kabaka on the advice of the Public Service Commission of Uganda.

(5) The power to appoint and exercise disciplinary control over junior police officers in the Kabaka's police force shall vest in the officer in charge of the force. Selection for appointment of junior officers in the force shall be subject to confirmation by the Inspector-General and shall be made in such manner as the Inspector-General may prescribe. Disciplinary decisions of the officer in charge of the Kabaka's police force relating to junior ranks shall be subject to confirmation by, or a right of appeal to, the Inspector-General in such manner as the Inspector-General may prescribe.

(6) The officer in charge of the Kabaka's police force shall be appointed by the Kabaka on the recommendation of the Public Service Commission of Buganda, which shall consult the Public Service Commission of Uganda and the Inspector-General.

(7) A Uganda law will be enacted to provide for the establishment of a Kabaka's police force, the powers, duties and responsibilities of the force and the members thereof, and for the appointment and disciplinary control of members of the force.

(8) Subject to the provisions of the Constitution of Uganda, the relations between the Uganda police force and the Kabaka's police force shall be conducted in accordance with the principles set out in the minute reproduced in the Ninth Schedule to this Agreement.

(9) Her Majesty's Government, the Uganda Government and the Kabaka's Government will take the necessary steps to give effect to the provisions of the article.

Local Government in Buganda

16.—(1) A Buganda law will be enacted as soon as practicable to establish a Council in each area of local government within the authority of the Kabaka's Government and to provide for the powers, duties and responsibilities of those Councils.

(2) Until a Buganda law is enacted in pursuance of paragraph (1) of this article towns in Buganda shall remain subject to the Urban Authorities Ordinance, 1958, of Uganda, with a Minister of the Buganda Government performing the functions of the Minister thereunder, and the Uganda Government will take steps accordingly.

Administration of certain towns

17.—(1) The Uganda Government shall have responsibility for the administration of the Municipality of Kampala, which is part of Buganda and which

will be the capital of Uganda. The Uganda Government shall establish a Joint Advisory Committee for Kampala which will consist of nine members appointed by the Governor; of the nine members of the Committee three will be appointed in accordance with the advice of the Uganda Government, three will be appointed in accordance with the advice of the Kabaka's Government, and three will be appointed in accordance with the advice of the Municipality of Kampala. The Committee will appoint a Chairman from amongst its members. The Minister of the Uganda Government responsible for the administration of Kampala shall consult the Joint Advisory Committee in the exercise of his powers in that behalf. The Uganda Government will take the necessary steps to give effect to this paragraph of this article.

(2) Responsibility for the administration of Entebbe, which is a Buganda town, will be delegated by the Kabaka's Government to the Uganda Government for the period of twenty-five years from the date of the coming into force of this Agreement.

(3) The administration of Masaka shall be the responsibility of the Kabaka's Government, which will discharge its responsibility in conformity with the local government policy of the Uganda Government.

(4) Pending further discussions concerning the future administration of Mubende the present arrangements will continue.

(5) The administration of Njeru, which is a Buganda town, shall be the responsibility of the Uganda Government, but the Uganda Government and the Kabaka's Government will consult together with regard to its future status and administration.

(6) The boundaries of the Municipality of Kampala and the towns of Entebbe, Masaka, Mubende and Njeru shall be such as are from time to time agreed between the Uganda Government and the Kabaka's Government.

Exemptions from Taxation, etc.

18.—(1) The power of the Uganda Legislature to make laws with respect to taxation (as well as its powers to make laws with respect to any other matter) includes power to make laws applicable to all persons in Uganda, including Buganda.

(2) The Kabaka of Buganda shall be exempt from direct personal taxation under the laws of Uganda.

(3) Except as provided in paragraph (2) of this article, all exemptions from taxation provided for in the Buganda Agreements, 1894 to 1955, shall cease.

Crown Land in Buganda

19.—(1) The freehold of Crown Land in Buganda occupied by the Uganda Government for its own purposes shall be vested in a Commission for public land (hereinafter called "the Uganda Land Commission"), which shall hold the land on behalf of the Uganda Government for the benefit of all people of Uganda (including the people of Buganda).

(2) The freehold of Crown Land in Buganda occupied by the authorities specified in the Eighth Schedule to this Agreement for their own respective purposes shall be vested in those authorities :

Provided that provision shall be made in the instrument vesting land in any such authority that if the land ceases to be used for the purposes of that authority, the title of the authority to the land shall be determined ; and the land shall then be vested in the appropriate land authority in accordance with the provisions of paragraphs (4) and (5) of this article.

(3) There shall be a Land Board for Buganda (hereinafter referred to as " the Buganda Land Board "), in which shall be vested all public land of the Kabaka's Government ; the Board shall hold such land in the name of the Kabaka on behalf of and for the benefit of the people of Buganda.

(4) Upon the establishment of the Buganda Land Board, the Crown shall transfer to the Board all Crown Land in Buganda, except land vested in the Uganda Land Commission or the authorities specified in the Eighth Schedule in pursuance of paragraph (1) or (2) of this article.

(5) The Buganda Land Board shall grant leases of all public land vested in it in pursuance of this article that is situate within the Municipality of Kampala or the towns of Masaka, Entebbe, Mubende and Njeru to the Municipality or the town Board, as the case may be, for terms of one hundred and ninety-nine years at a rent of one shilling per annum without restrictions as to its use.

(6) The transfer of land to the Buganda Land Board in pursuance of this article shall not affect the obligations and rights of existing lessees, licensees or other grantees.

(7) Until a Buganda law is enacted for the general regulation of land tenure in Buganda, every temporary occupation licence in respect of land vested in the Buganda Land Board in pursuance of this article shall, if the licensee has complied with the terms of the licence, be renewed by the Board, whenever it expires, for a term similar to the terms for which it was last granted.

(8) The freehold and leasehold interests vested in the Uganda Land Commission, the Buganda Land Board and the Municipality of Kampala and town Boards in pursuance of this article will be protected by the Constitution of Uganda.

(9) Her Majesty's Government, the Uganda Government and the Kabaka's Government will take steps to give effect to the provisions of this article.

Government Forests

20.—(1) Upon the establishment of the Buganda Land Board, the Uganda Government shall transfer all government forests (as defined in the Uganda Memorandum of Agreement (Forests) 1907) except forests within the Municipality of Kampala to the Board.

(2) The forests transferred to the Buganda Land Board under this article shall be administered and controlled on behalf of the Board by the Uganda Government for such period as may be agreed between the Uganda Government and the Kabaka's Government, and during that period the cost of the administration of those forests, and the profits derived therefrom, shall be divided between the two Governments in such manner as they may agree.

Minerals

21.—(1) All minerals found in Mailo land shall belong to the owner of the land, who shall pay to the Uganda Government an ad valorem royalty of ten per cent. upon all minerals extracted from the land.

(2) All minerals found on public land vested in the Buganda Land Board under article 19 or 20 of this Agreement shall belong to the Uganda Government, but if the Uganda Government wishes to extract minerals from any such land it shall pay to the Board an amount equal to the sum that would be payable to the owner of that land if that land (exclusive of minerals) had been compulsorily acquired by the Uganda Government under the general law of Uganda relating to compulsory acquisition of land.

(3) The Uganda Government will take steps to give effect to the provisions of this article.

Privileges of Members of Lukiko

22.—(1) The members of the Lukiko shall be accorded the same parliamentary privileges as are accorded to members of the National Assembly.

(2) The Uganda Government will take steps to give effect to the provisions of this article.

Remission of Sentences

23.—(1) The Kabaka (acting on the advice of his Ministers) may exercise powers of commutation and remission of sentences of imprisonment, similar to those of the Governor, in respect of persons convicted in the Kabaka's Courts and imprisoned in a prison of the Kabaka's Government in such cases and subject to such conditions as may be prescribed by the Governor.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article in the Constitution of Uganda.

Determination of disputes

24.—(1) The Governor, may, and shall, if so requested by the Kabaka's Council of Ministers or the Kabaka (in respect of any matter affecting his personal position or functions), refer to the High Court of Uganda any justiciable issue that is in dispute between Her Majesty's Government or the Uganda Government on the one hand and the Buganda Government on the other hand arising out of the provisions of this Agreement, and the High Court shall determine the question in accordance with such procedure as the Chief Justice may direct.

(2) Appeals from the determinations of the High Court of questions referred to in accordance with the paragraph (1) of this article shall lie direct to Her Majesty in Council in accordance with such procedure as Her Majesty in Council or the Chief Justice may direct, and accordingly no appeal shall lie to the Court of Appeal for Eastern Africa.

(3) Nothing in this article shall apply to questions relating to the interpretation of the Constitution of Uganda.

(4) Her Majesty's Government will take steps to give effect to the provisions of paragraphs (1) and (2) of this article in the Constitution of Uganda.

Dissolution of Lukiko

25.—(1) The Lukiko constituted by the Buganda Agreement, 1955, shall stand dissolved upon the date appointed for the coming into force of this article.

(2) Her Majesty's Government will take steps to give effect to the provisions of this article.

Interpretation

26. There shall be an English text and a Luganda text of this Agreement, each of which shall be executed by the Parties, but, for the purposes of interpretation, regard shall be had only to the English version.

FIRST SCHEDULE

Article 1

The Buganda Agreement, 1894.
The Buganda Agreement, 1900.
The Uganda Agreement (Judicial) 1905.
The Uganda Memorandum of Agreement (Forests), 1907.
The Uganda (Payment to Chiefs) Agreement, 1908.
The Buganda Agreement (Allotment and Survey), 1913.
The Uganda Agreement (Poll Tax), 1920.
The Buganda Agreement, 1955.

SECOND SCHEDULE

Article 4

(The definition of the boundaries of Buganda contained in this Schedule will describe the present boundaries.)

THIRD SCHEDULE

THE CONSTITUTION OF BUGANDA

Interpretation

1.—(1) In this Constitution unless the context otherwise requires—

"Lukiko" means the Lukiko of Buganda;

"Minister" means a member of the Ministry constituted by article 4 of this Constitution;

"minor" means, in relation to the Kabaka, a person under the age of eighteen years.

(2) Any reference in this Constitution to an officer in the service of the Uganda Government or the Kabaka's Government by the term designating his office shall be construed as a reference to the officer for the time being lawfully performing the functions of the office.

2.—(1) The Kabaka (King) who is the Ruler of Buganda shall be elected, as has been done in the case of the present Kabaka, by a majority of votes in the Lukiko.

(2) The range of election shall be limited to the Royal Family of Buganda, that is to say, the descendants of Kabaka Mutesa I.

(3) The Kabaka shall enjoy all the titles, dignities and pre-eminence that attach to the office of Kabaka under the law and custom of Buganda and the Namasole, the Nalinya Lubuga and the other members of the Royal Family of Buganda shall enjoy all such titles and precedence as they have heretofore enjoyed.

(4) The Kabaka will take precedence over all persons in Buganda except Her Majesty and Her Majesty's representative (except when the latter is taking part in functions relating solely to Buganda).

Regents

3.—(1) (*a*) If at any time the Kabaka is a minor or is unable, other than by reason only of his absence from Buganda, to perform his functions under this Constitution, the Lukiko shall elect three persons to be Regents.

(*b*) A Regent elected under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) when the Kabaka becomes able to perform his functions under this Constitution;

(ii) if he resigns by writing under his hand addressed to the Speaker ; or

(iii) if his appointment is terminated by resolution of the Lukiko upon a motion proposed by not less than twenty members of the Lukiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiko.

(*c*) The Lukiko may elect a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(2) (*a*) Whenever the Kabaka has occasion to be absent from Buganda, he may by writing under his hand appoint three persons to be Regents during such absence.

(*b*) A Regent appointed under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) upon the return of the Kabaka to Buganda ;

(ii) if he resigns by writing under his hand addressed to the Kabaka ;

(iii) if his appointment is terminated by the Kabaka ;

(iv) if the Kabaka ceases to be able to perform his functions under this Constitution otherwise than by reason of absence from Buganda.

(*c*) The Kabaka may appoint a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(*d*) The powers referred to in this paragraph shall not be exercisable during any period in which the Kabaka is a minor or is for any other cause other than absence from Buganda unable to perform his functions under this Constitution.

(3) During the subsistence of a Regency under paragraph (1) or paragraph (2) of this article, the Regents shall, so long as they observe the terms of this Constitution and subject to the provisions of paragraph (4) of this article, have full authority to perform the functions of the Kabaka under this Constitution.

(4) A Regent shall not assume the functions of the office of Regent unless he has first taken an oath for the due performance of the office in the form following:—

"I.....do hereby swear that I will be loyal to the Kabaka of Buganda, his heirs and successors, and will well and truly perform the functions of the office of Regent of Buganda according to law and will uphold the peace, order and good government of Buganda, and will do right to all manner of people, according to the Constitution, the laws, and the customs of Buganda, without fear or favour, affection or ill-will. So help me God."

(5) (*a*) Any function of the Kabaka under this Constitution shall be performed by the Regents in the same manner, so far as custom allows, as that in which the functions would be performed by the Kabaka save that the signature of two Regents shall be a sufficient signification of the will of the Regents.

(*b*) Where any matter is dependent on the decision of the Regents, any decision shall be regarded as the decision of the Regents if two of the Regents are in favour thereof.

(*c*) If any Regent is absent from Buganda or for any other reason unable to perform the functions of a Regent or if the office of one of the Regents is vacant, it shall be sufficient if the functions of the Regents are performed by two Regents.

4.—(1) There shall be a Ministry for Buganda, which shall be called "the Kabaka's Council of Ministers" and is hereinafter sometimes for brevity referred to as "the Ministry".

(2) The Kabaka's Council of Ministers shall consist of—

(*a*) The Katikiro ;

(*b*) the Omulamuzi ;

(*c*) the Omuwanika ;

(*d*) The Minister of Health and Works ;

(*e*) The Minister of Education ;

(*f*) The Minister of Natural Resources ;

(*g*) The Minister of Local Government ;

Provided that the number and designation of members of the Ministry other than the Katikiro, the Omulamuzi and the Omuwanika may be varied from time to time by resolution passed by the Lukiko.

(3) When there is occasion for the resignation of the Ministry to be tendered, the Katikiro shall tender the resignation of the Ministers collectively to the Kabaka through the Speaker, and the Kabaka shall thereupon accept the resignation.

Provided that where the resignation is tendered in accordance with the provisions of Article 7 of this Part of this Constitution, the Kabaka shall not accept the resignation until the Katikiro designate submits to him the names of persons selected for the ministerial offices in accordance with paragraph (6) of Article 9 of this Part of this Constitution.

(4) Each member of the Ministry shall have such responsibilities as may be determined by the Katikiro.

Conduct of Kabaka's Government

5.—(1) The Kabaka's Council of Ministers as a whole shall be charged with the conduct of the Kabaka's Government, and each Minister shall be individually responsible for such departments of the Kabaka's Government as may be placed in his charge.

(2) All acts of the Kabaka's Government shall, save in so far as law and customs otherwise require, be done in the name of the Kabaka.

(3) Where any function under this Constitution is exercisable by the Kabaka, that function shall, unless a contrary intention appears, be exercised by him by means of a written instrument signed by him in the presence of a Minister, who shall sign the same as witness.

(4) (*a*) Where it is provided in this Constitution that the Kabaka may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(*b*) (i) A statement in writing signed by the Katikiro that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Katikiro or of the Ministry in accordance with the recommendation shall be conclusive evidence of that fact.

(ii) A certified true copy of a minute of the Buganda Appointments Board or of any committee appointed by the Kabaka under this Constitution recording that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Board or committee in accordance with the recommendation shall be conclusive evidence of that fact.

Kabaka to be kept informed

6. The Katikiro shall keep the Kabaka fully informed on all important matters concerning the Kabaka's Government.

Procedure when Lukiko meets after dissolution

7.—(1) When the Lukiko meets for the first time after any dissolution thereof, the resignation of the Kabaka's Council of Ministers then in office shall be tendered.

(2) When the resignation of the Ministry has been tendered in accordance with paragraph (1) of this article, a Katikiro designate shall be elected in accordance with the procedure laid down in Article 8 of this Constitution and

candidates for the ministerial offices shall be elected in accordance with the procedure laid down in Article 9 of this Constitution.

Election of Katikiro designate

8.—(1) The Speaker shall fix a day by which nominations of candidates for the office of Katikiro shall be submitted to him.

(2) (*a*) Any person may be nominated as a candidate for the office of Katikiro, whether or not he is a member of the Lukiko by not less than five members of the Lukiko.

(*b*) Nominations shall be submitted in writing signed by the members making them, to the Speaker on or before the day fixed by him in that behalf.

(3) The Speaker shall prepare a list of the persons who have been duly nominated and shall cause copies of the list to be laid before the Lukiko.

(4) On the fifth weekday after the list has been so laid or such other day as the Speaker shall consider convenient, the Lukiko shall by secret ballot elect as Katikiro designate one of the persons whose name appears on the list.

(5) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of election under this Article.

Election of candidates for ministerial offices

9.—(1) When the Katikiro designate has been elected, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Katikiro shall be submitted to him.

(2) Any person may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiko, either by the Katikiro designate or by not less than three members of the Lukiko.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf ;

Provided that—

(*a*) no persons other than the Katikiro designate shall join in nominating more than three candidates ;

(*b*) the Katikiro designate shall not nominate more than five candidates.

(4) The Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiko and if the names of more than fifteen persons appear in the list, the Lukiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices fifteen persons from among those persons whose names appear in the list.

(5) The Katikiro designate shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates (or, if the names of more than fifteen persons appear in that list, from the names of the persons elected as candidates by the Lukiko).

(6) The Katikiro designate shall submit the names of the persons selected under the foregoing provisions of this article to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office.

(7) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

Appointment of Ministers

10. When the names of persons selected for the ministerial offices have been submitted to the Kabaka, the Kabaka shall appoint the Katikiro designate

After having become privy to the above Intel, I have had to make some extracts from the constitutions that Uganda has had and any subsidiary information that I considered relevant. Please note that after the making of the 1962 Constitution, the functions of the Buganda Land Board and the Uganda Land Commission where detailed in the 1962 Public Lands Act and any dealings in mailo land where devoted to Chapter 230 of the laws of Uganda which is the Registration of Titles Act. By this time land in Buganda had been specifically defined for use and titling robustly under Chapter 230 with the titling of private mailo land very clear in the RTA Cap 230 and the Titling of Public Mailo in the 1962 Public Lands Act. **When all these laws are chronologically read, you will discover you cannot have freehold titles in Buganda, you can only have private mailo titles or public Mailo titles with leases that do not exceed 99 years.**

Extracts From

THE CONSTITUTION OF UGANDA, 1962.

CHAPTER I.

UGANDA AND ITS TERRITORIES.

1. This Constitution is the supreme law of Uganda and, subject to the provisions of sections 5 and 6 of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

2. (1) Uganda consists of Federal States, Districts and the territory of Mbale.

(2) The Federal States are the Kingdom of Buganda, the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro and the territory of Busoga.

(3) The Districts are the Districts of Acholi, Bugisu, Bukedi, Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile.

***3.** (**This section came into effect on lst January, 1965**.)

(1) Subject to the provisions of subsection (2) and (3) of this section, each of the territories mentioned in section 2 of this Constitution shall comprise those parts of the former Protectorate of Uganda that on the 8th day of October 1962, were comprised in that territory.

(2) The territory of the Kingdom of Buganda shall comprise those counties of the Kingdom of Buganda that on the 8th day of October 1962, were comprised in that territory, excluding the county of Buyaga and the county of Bugangazzi.

(3) The territory of the Kingdom of Bunyoro shall comprise the counties of the Kingdom of Bunyoro which on the 8th day of October 1962, were comprised in that Kingdom, with the addition of the county of Buyaga and the county of Bugangazzi.

(4) The boundaries of the county of Buyaga, as now forming part of the Kingdom of Bunyoro, shall be those of the county

of Buyaga when this county formed part of the Kingdom of Buganda on the 8th day of October 1962.

(5) The boundaries of the county of Bugangazzi, as now forming part of the Kingdom of Bunyoro, shall be those of the county of Bugangazzi, when that county formed part of the Kingdom of Buganda on the 8th day of October 1962.

(6) For the avoidance of doubts, it is hereby declared that the boundaries of the Kingdom of Buganda and of the Kingdom of Bunyoro shall be respectively as set out in Part I and Part II of Schedule 11 to this Constitution.

4. (1) The Constitution of Buganda set out in Schedule 1 to this Constitution shall have effect in the Kingdom of Buganda.

(2) The provisions set out in Schedule 2 to this Constitution shall have effect in the Kingdom of Ankole.

(3) The provisions set out in Schedule 3 to this Constitution shall have effect in the Kingdom of Bunyoro.

(4) The provisions set out in Schedule 4 to this Constitution shall have effect in the Kingdom of Toro.

(5) The provisions set out in Schedule 5 to this Constitution shall have effect in the territory of Busoga.

5. (1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution (other than the provisions set out in Schedule 1, 2, 3, 4 or 5 to this Constitution) and (in so far as it forms part of the law of

Uganda) any of the provisions of the Uganda Independence Act, 1962(8,).

(2) A bill for an Act of Parliament under this section (other than an Act excepted from the provisions of this subsection) shall not be passed in the National Assembly unless it has been supported on second and third readings by the votes of not less than two-thirds of all the members of the Assembly.

(3) An Act of Parliament, so far as it makes an alteration to the provisions of section 3 of this Constitution by the transfer of any part of Uganda from a Federal State or a District to another territory of Uganda, shall not come into operation unless the Legislative Assembly or the Council, as the case may be, of the State or District from which the part of Uganda is transferred and the Legislative Assembly of the State or District to which the part of Uganda is transferred have each, by resolution passed by not less than two-thirds of all the voting members of the Assembly, signified their consent that the Act of Parliament should. have effect.

(4) An Act of Parliament, so far as it makes an alteration to any of the provisions of. section 2 (2), 4 (1), 6 (1), Chapter III, section 43, 74, 77 (2), 78 (2), 78 (3), 79, 80, 81, 87, 94, 95, % (1), 107, 109, 118, 119, 121, 123, 124, 125, 126 (2)., or 131 (4) of this Constitution, Schedule 6 or 7 to this Constitution or this subsection and has effect in relation to the Kingdom of Buganda, shall not come into operation in the

Kingdom of Buganda unless the Legislative Assembly of Buganda has by resolution passed by not less than two-thirds of all its members, signified its consent that the Act of Parliament should have effect.

(5) An Act of Parliament, so far as it makes an alteration to any of the provisions of section 2 (2), 4, 6 (2), Chapter III, section 75, 77 (3), 78 (2), 79, 80 (2), 81, 84 (4), 90 (5),, 91 (7), 9S, 96 (1), 108, 109, 118, 123, 124, 125 or 127 of this Constitution, Schedule 8 to this Constitution or this subsection and has effect in relation to a Federal State (other than the Kingdom of Buganda), shall not come into operation in that State unless the Legislative Assembly of the State has, by resolution passed by not less than two-thirds of all its voting members, signified its consent that the Act of Parliament should have effect.

(6.) An Act of Parliament for the repeal of section 38 (1) (b) of this Constitution shall be excepted from the provisions of subsection (2) of this section.

(7), In this section references to any of the provisions of this Constitution or the Uganda Independence Act, 1962, include references to any law, or any instrument made tinder a law, that amends, modifies, re-enacts with or without amendment or modification or makes different provision in lieu of, that provision.

6. (1) The Legislature of the Kingdom of Buganda may alter any of the provisions of the Constitution of Buganda set out in Schedule I to this Constitution:

Provided that

(a) a bill f6r a law to be enacted by that Legislature for that purpose shall not be passed in the Legislative Assembly of the Kingdom unless it has been supported on the final vote thereon by the votes of not less than two-thirds of all the members of the Assembly;

(b) any such law, so far as it alters the provisions of article 20, 21, 22, 23, 24, 25, 32, 33, 34, or 39 of the Constitution of Buganda, shall not come into -operation unless the President has, by 'Proclamation published in the Gazette, signified his consent to its having effect.

(2) The Legislature of a Federal State (other than the Kingdom of Buganda) may alter any of the provisions of the Schedule mentioned in section 4 of this Constitution that has effect in that State:

Provided that

(a) a bill for a law to be enacted by that Legislature for that purpose shall not be passed in the Legislative Assembly of the State unless it has been supported on the final vote thereon by not less than two-thirds of all the voting members of the Legislative Assembly;

(b) any such law, so far as it alters any of the provisions set out in Part II of that Schedule, shall not come into operation unless the National Assembly, by resolution passed by not less than two-thirds of all its members, has signified Its consent that the law should have effect.

(3) The Legislature of a Federal State (other than the Kingdom of Buganda) may make provision for the holding of a referendum in the State (at which the persons entitled to vote are the persons entitled to vote in any constituency established in the State under section 46 of this Constitution) upon any proposals, being proposals contained in a bill introduced into the Legislative Assembly of the State, for altering any of the provisions set out in Part I of the Schedule mentioned in section 4 of this Constitution that has effect in the State.

(4) In this section references to any of the provisions of the Constitution of Buganda or any of the provisions of Schedule 2, 3, 4 or 5 to this Constitution include references to any law, or instrument made under a law, that amends, modifies, re-enacts with or without amendment or modification or makes different provision in lieu of, that provision.

CHAPTER VII.(1962 Constitution)

LEGISLATIVE AND EXECUTIVE POWERS.

PART 1.

Legislative Powers.

73. Parliament shall have power to make laws for the peace, order and good government of Uganda (other than the Federal States) with respect to any matter.

74. (1) The Legislature of the Kingdom of Buganda shall have power, to the exclusion of Parliament, to make laws for the peace, order and good government of the Kingdom of Buganda with respect to the matters specified in Part I of Schedule 7 to this Constitution.

(2).Parliament shall have power, to the exclusion of the Legislature of the Kingdom of Buganda, to make laws for the peace, order and good government of the Kingdom of Buganda with respect to the matters specified in Part 11 of Schedule 7 to this Constitution.

(3) Parliament and the Legislature of the Kingdom of Buganda shall both have power to make laws for the peace, order and good government of the Kingdom of Buganda with respect to matters other than the matters specified in Schedule 7 to this Constitution.

(4) A law of the Legislature of the Kingdom of Buganda shall not apply to any person who is not an African any provision of the law or custom applicable to members of any African tribe with respect to inheritance, marriage, divorce, religion or the personal obligations attaching to a member of an African tribe as such.

(5)

(a) An Act of Parliament, so far as it makes any provision to which this subsection applies, shall not come into operation unless the Legislative Assembly of the Kingdom of Buganda has, by resolution, signified its consent that the Act of Parliament should have effect.

(b) This subsection applies to

(i) any provision for altering or replacing the Buganda Courts Ordinance;

(ii) any provision for altering or replacing the Public Lands Ordinance 1962, (b) so far as that Ordinance has effect in relation to the Kingdom *of* Buganda, or for .altering or replacing any other law with respect to the tenure of land vested in the Land Board of the Kingdom of Buganda;

(iii) any provision for altering or replacing the system of mailo land tenure in the Kingdom of Buganda as in force immediately before 9th October 1962; or

(iv) any provision with respect to local government in the Kingdom of Buganda (other than local government in Kampala or any town to which section 126 of this Constitution applies).

75. (1) The Legislature of a Federal State (other than the Kingdom of Buganda) shall have power, to the exclusion of parliament, to make laws for the peace, order and good

government of the State with respect to the matters specified in Schedule 8 to this Constitution.

(2) Parliament shall have power, to the exclusion of the Legislature of the State, to make laws for the peace, order and good government of a Federal State (other than the Kingdom of Buganda) with respect to any matter other than the matters specified in Schedule 8 to this Constitution.

(3) Parliament may confer upon the Legislature of a Federal State (other than the Kingdom of Buganda) authority to make laws for that State with respect to any matter, other than a matter specified in Part II of Schedule 7 or in Schedule 8 to this Constitution, and any such authority may be general or may be conferred for such period or subject to such restrictions as Parliament may specify and may be revoked by Parliament at any time.

(4) A law of the Legislature of a Federal State (other than the Kingdom of Buganda) shall not apply to any person who is not an African any provision of the law or custom applicable to members of any African tribe with respect to inheritance, marriage, divorce, religion or the personal obligations attaching to a member of an African tribe as such.

76. If any law enacted by the Legislature of a Federal State is inconsistent with any law validly made by Parliament, the law made by Parliament shall prevail and the law of the Federal State shall to the extent of the inconsistency be void.

PART 2.

Executive Powers.

77. (1) The executive authority of Uganda shall extend to the maintenance and execution of this Constitution (other than Schedules 1, 2, 3, 4 and 5 to the Constitution) and to all matters with respect to which Parliament has for the time being power to make laws.

(2) The executive authority of the Kingdom of Buganda shall extend to the maintenance and execution of the Constitution of Buganda, to the maintenance of public order and public safety in the Kingdom and to all matters with respect to which the Legislature of the Kingdom has for the time being power to make laws.

(3) The executive authority of a Federal State (other than the Kingdom of Buganda) shall extend to the maintenance and execution of the provisions mentioned in section 4 of this Constitution that have effect in the State and to all matters with respect to which the Legislature of the State may for the time being make laws.

1(4) The executive authority of every Federal State shall be so exercised as

(a) not to impede or prejudice the exercise of the executive authority of Uganda;

(b) to ensure compliance with any Act of Parliament applying to that State.

78. (1) Subject to the provisions of this section

(a) the President may entrust, either conditionally or unconditionally, to any officer or authority of a Federal State, functions in relation to any matter to which the executive authority of Uganda extends falling to be performed in the State;

(b) Parliament may make provision conferring powers or imposing duties, or authorising the conferring of powers or the imposition of duties, upon any officer or authority of a Federal State.

(2), Powers or duties shall not be conferred upon an officer or authority of a Federal State for the purpose of the administration by that State of a service unless there are in force arrangements with respect to that service made under section 79 of this Constitution.

(3) Except in the case of powers or duties conferred or imposed for the purposes of the administration of a service in respect of which there are in force arrangements made under section 79 of this Constitution, the President shall not entrust any function to any officer or authority of the Kabaka's Government under this section without the consent of that Government and any provision of an Act of Parliament conferring powers or imposing duties on an officer or

authority of the Kabaka's Government shall not have effect unless that Government consents to its having effect.

79. (1) The Government of Uganda may enter into arrangements with the Government of a Federal State for the administration by the State of services in the State for the purpose of any matter within the executive authority of Uganda.

(2) Where arrangements are entered into with a Federal State under this section with respect to any service, that service shall be administered by that State, in such manner as i~ prescribed by any law for the time being in force, until those arrangements expire or are superseded by further arrangements or are terminated by the Government of Uganda under subsection (3) of this section.

(3) The Government of Uganda may terminate arrangements for the administration of any service entered into under this section with a Federal State (other than the Kingdom of Buganda) if a Commission appointed under the provisions of the Commissions of Inquiry Ordinance or any law amending or replacing that Ordinance, has inquired into the administration of the service and has found that it is not being conducted in an efficient manner or not being conducted in the manner prescribed by law.

80. (1) There shall be a police force for Uganda, Mitch shall be styled the Uganda Police Force.

(2) There shall be a police force for each Federal State and such other police forces in Uganda as Parliament may prescribe.

(31 Subject to the provisions of this Constitution, every police force in Uganda shall be organised and administered in such manner as Parliament may prescribe.

(4) The following provisions shall apply to the police force established by this section for the Kingdom of Buganda

(a) the force shall be styled the Kabaka's Police Force;

(b) where any power or duty is conferred or imposed by an Act of Parliament having effect in the Kingdom of Buganda upon the members of the Uganda Police Force of any rank, the members of the Kabaka's Police Force of corresponding rank shall, by virtue of this Constitution, have that power or be subject to that duty;

(c) if, not later than 9th October 1963, the Government of Uganda and the Kabaka's Government have entered into an agreement with regard to the strength of the Kabaka's Police Force, the composition of the force shall be such that the number of members of the force in each rank shall not be less than the number provided in that agreement.

81. (1) The Uganda Police Force shall be under the command of an Inspector-General of Police, whose office shall be a public office .

(2) The Inspector-General of Police shall have power to give directions with respect to the use and operational control of any police force in Uganda not under his command and the officer in command of any such force shall comply with those directions or cause them to be complied wilh.

(3) The Prime Minister or such other Minister as may be authorised in that behalf by the prime Minister may give to the Inspector-General of Police such general directions of policy with respect to the maintaining and securing of public safety and public order as he may consider necessary and the Inspector-General shall comply with those directions or cause them to be complied with.

(4) Except as provided in subsection (3) of this section, the Inspector-General shall not be subject to the direction or control of any person or authority in the exercise of the powers conferred upon him by this section.

(5) The question whether any, and if so, what directions have been given under subsection (2), or (3) of this section shall not be enquired into in any court.

82. (1) There shall be a Director of Public Prosecutions, whose office shill be a public office.

(2) The Director of Public Prosecutions shall have power in any case in which lie considers it desirable so to do

(a) to institute and undertake criminal proceedings ,against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of public Prosecutions under subsection (2) of this section may be exercised by him in person or by officers subordinate to him acting in accordance with his general or special instructions.

(4), The powers conferred on the Director of Public

prosecutions by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved (including any question referred under section 95 of this Constitution) for the purpose of any such proceedings, to any other court in Uganda or the court of appeal or to the Judicial Committee of Her Majesty's Privy Council shall be (1cetned to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by paragraph (c) of subsection (2) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) In the exercise of the powers conferred on him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

83. Subject to the provisions of this Constitution and of any Act of Parliament, the President acting oil the advice of the Prime Minister may constitute offices for Uganda, make appointments to any such office and terminate any such appointment.

84. (1) The President may

(a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;

(c) substitute a less severe form of punishment for any punishment imposed oil any person for any offence; or

(d) remit the whole or part of -my punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the Government of Uganda on account of any offence.

(2) Subject to the provisions of subsection (3) of this section, the powers of the President under subsection (1) of this section shall be exercised by him acting in accordance with the advice of such Minister as may be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister.

(3) In relation to persons convicted by courts-martial, the President; acting in accordance with the advice of the Prime Minister, may designate a Minister other than the Minister designated under subsection (2) of this section, and (it any time when there is another Minister so designated the powers of the President under subsection (1) of this section shall, in relation to such person, be exercised in accordance with the advice of that other Minister.

(4) Where any power conferred on the President by this section is exercised in respect of any punishment imposed

upon any person by a court when it is administering justice in the name of the Ruler of the Kingdom of Ankole, the Kingdoin of Bunyoro, the Kingdom of Toro or the territory of Busoga in accordance with the provisions of this Constitution or any Act of Parliament, it shall be exercised in the name of the Ruler.

85. (1) There shall be an advisory Committee on the Prerogative of Mercy which shall consist of

(a) the Minister for the time being designated under section 84 (2), of this Constitution, who shall be Chairman;

(b) the Attorney-General of Uganda; and

(c) not less than five nor more than seven other members appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified for appointment by the President as a member of the Advisory Committee if he is a member of the National Assembly, a member of the Legislative Assembly of a Federal State or a member of a Council of a District. -

(3) A member of the Advisory Committee appointed by the President shall hold office for three years:

Provided that his seat on the Committee shall become vacant

(a) if any circumstances arise that, if he were not a member of the Committee, would cause him to be disqualified for appointment as such; or

(b) if he is removed from office by the President, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

86. (1) Where any person has been sentenced to death (otherwise than by a court-martial) for any offence, the Minister for the time being designated under section 84 (2) of this Constitution shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he may require, to be considered at a meeting of the Advisory Committee; and after obtaining the advice of the Committee lie shall decide in his own deliberate judgment whether to - advise the President to exercise any of his powers under section 84 (1) of this Constitution.

(2) The Minister for the time being designated tinder section 84 (2) of this Constitution may consult with the Advisory Committee- before tendering any advice to the President under that subsection but the Minister shall not be obliged to act in accordance with the advice of the Committee.

(3) The Advisory Committee may regulate its own procedure.

87. The Kabaka may, in relation to any person who is serving a sentence of imprisonment imposed on him by any court of Buganda established by or under the Buganda Courts

Ordinance, or any law amending or replacing that Ordinance, or substituted by competent authority for some other sentence imposed on him by such a court

(a) substitute a less severe form of punishment for that sentence of imprisonment; or

(b) remit the whole or any part of. that sentence, in such cases and subject to such conditions as may be prescribed by the President.

CHAPTER IV.(THE 1962 CONSITITUTION)

THE PRESIDENT OF UGANDA.

34. (1) There shall be a Supreme Head and Commander in Chief of Uganda who shall be known as the President of Uganda and who is referred to in this Constitution as the President.

(2) The President shall, subject to the provisions of section 123 of this Constitution, take precedence over all persons in Uganda and shall not be liable to any proceedings whatsoever in any court.

(3) The President shall be exempt from direct personal taxation and no property held by him in his personal capacity shall be compulsorily acquired or compulsorily taken possession of.

(4) The President shall receive such salary and allowances, and on retirement such pension, gratuity or other allowance, as may be prescribed by Parliament.

(5) The salary and allowances payable to the President and any pension, gratuity or other allowance payable to him on retirement shall be a charge on the Consolidated Fund.

(6) Before assuming office the President shall take and subscribe the oath of allegiance and such other oath (if any) as Parliament may prescribe.

35. (1) There shall be a Vice President of Uganda (referred to in this Constitution as the Vice President) who shall perform the functions and have the privileges of the President (luring any period when

(a) the President is absent from Uganda or is for any reason unable to perform the functions of his office; or

(b) the office' of the President is vacant.

(2) The Vice President shall receive such salary and allowances, and on retirement such pension, gratuity or other allowances, as may be prescribed by Parliament.

(3) The salary and allowances payable to the Vice President and any pension, gratuity or other allowance payable to him on retirement shall be a charge on the Consolidated Fund.

(4) During any period when the Vice President is required by subsection (1) of this section to perform the functions of the President and either

(a) the Vice President is unable to do so by reason of absence from Uganda or for any other cause; or

(b) the office of the Vice President is vacant,

those functions shall be performed by the Chief Justice.

(5) A person required by this section to perform the functions of the President shall before commencing to perform those functions take and subscribe the oath of allegiance and such other oath (if any) as Parliament may prescribe.

36. (1) Subject to the provisions of this section, the President and the Vice President shall be elected in accordance with such procedure as may be prescribed by Parliament from among the Rulers of the Federal States and the constitutional heads of the Districts by the members of the National Assembly for a term of five years.

(2) the term of office for which the Vice President is elected under subsection (1) of this section shall be deemed to expire at the same time as the term of office for which the President is elected under that subsection expires.

(3) The President or the Vice President may at any time be removed from office by a resolution of the National Assembly which is moved either

(a) by the Prime Minister; or

(b) by a member of the Assembly other than the Prime Minister who satisfies the Speaker that not less than one-half of all the members of the Assembly have signified in writing an intention to vote in support of the resolution,

and which is supported by the votes of not less than two-thirds of all the members of the Assembly.

(4) Where a vacancy occurs in the office of the President or the Vice President otherwise than by reason of the expiry of the term for which the holder of the office was elected, the person elected to fill the vacancy shall hold office for the remainder of that term, and not for a term of five years.

(5) The President or the Vice President may at any time resign his office by writing under his hand and addressed to the Prime Minister.

(6) A person who has vacated the office of the President or the Vice President may be elected or re-elected to either of those officers, if qualified, in accordance with the provisions of this Constitution

CHAPTER IX.(1962 Constitution)

THE JUDICATURE.

PART 1.

The High Courts of Uganda and Buganda.

90. (1) There shall be a High Court for Uganda, which shall have such jurisdiction throughout Uganda as may be conferred on it by this Constitution or any other law.

(2) The judges of the High Court of Uganda shall be the Chief Justice and such number of other judges, not being less than six (hereinafter referred to as "the puisne judges") as may be prescribed by Parliament:

Provided that the office of a puisne judge shall not be abolished while there is a substantive holder thereof.

(3) The High Court of Uganda shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

(4) The High Court of Uganda shall sit in such places as the Chief justice may appoint.

(5) When sitting in the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro or the territory of Busoga, the High Court shall administer justice in the name of the Ruler of that Kingdom or Territory.

91. (1) The Chief Justice shall be appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) The puisne judges shall be appointed by the President, acting in accordance with the advice of the Judicial Service Commission.

(3) (a) A person shall not be qualified for appointment as a judge of the High Court of Uganda unless

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court; or

(ii) he is entitled to practise as an advocate in such a court and has been entitled for, not less than seven years to practise as an advocate in such a court.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates) notwithstanding that

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition upon which he is permitted to practise.

(4) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of

his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those function-, shall be performed by such one of the puisne judges as may be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister.

(5) If the office of any puisne judge is vacant or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, or if the Chief Justice advises the President that the state of business in the High Court of Uganda so requires, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a judge of the High Court of Uganda to act as a puisne judge of that Court:

Provided that a person may act as a judge notwithstanding that he has attained the age prescribed for the purposes of section 92 (1) of this Constitution.

(6) Any person appointed under subsection (5) of this section to act as a puisne judge shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission :

Provided that, notwithstanding the expiration of the period of his appointment or the revocation of his appointment, he may thereafter continue to act as a puisne judge for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

(7) Whenever, after 9th October 1962, any person is appointed to hold the office of Chief Justice or of judge of the High Court of Uganda, the instrument appointing that person to that office shall state that the Rulers of the Kingdom of Ankole, the Kingdom of Bunyoro and the Kingdom of Toro have each, by virtue of the provisions of this subsection, appointed that person to administer justice in the Kingdom in the name of the Ruler.

(8), Where a court of appeal is established under section 96 (2) (a) of this Constitution, the Prime Minister shall, before tendering advice for the purposes of subsection (1) of this section, consult the President of that court.

92. (1) Subject to the. provisions of this section, a person holding the office of a judge of the High Court of Uganda shall vacate that office on attaining the age of sixty-two years or such other age as may be prescribed by Parliament.

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person holding the office of a judge of the High

Court of Uganda may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A judge of the High Court of Uganda may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(4) A judge of the High Court of Uganda shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under subsection (5) of this section and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Prime Minister represents to the President that the question of removing a judge under this section ought to be investigated, then

(a) the President, acting in accordance with the advice of the Prime Minister, shall appoint a tribunal, which shall consist of a chairman and not less than two other members, being persons who hold or have field office as a judge of a court having unlimited jurisdiction in civil or criminal matters in

some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to the President whether the judge ought to be removed under this section.

(6) If the question of removing a judge under this section has been referred to a tribunal under this section, the President acting in accordance with the advice of the Prime Minister may suspend the judge from performing the functions of his office and any such suspension may at any time be revoked by the President acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect if the tribunal recommends to the President that the judge should not be removed.

(7) The provisions of this section shall be without prejudice to the provisions of section 91 (6) of this Constitution.

93. A judge of the High Court of Uganda shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

94. (1) There shall be a High Court for Buganda which shall have within Buganda the same jurisdiction as the High Court of Uganda has within Buganda under this Constitution or any other law:

Provided that the High Court of Buganda shall not have jurisdiction to determine any application or question falling to be determined by the High Court of Uganda under section 32, 49, 55 or 95 of this Constitution.

(2) (a) The Chief justice and the other judges of the High Court of Uganda shall. be the judges of the High Court of Buganda.

(b) Whenever, after 9th October 1962, any person is appointed to hold the office of Chief Justice or of judge of the High Court of Uganda, the instrument appointing that person to that office shall state that the Kabaka has, by virtue of the provisions of this section, appointed him to be a judge of the High Court of Buganda.

(3) The High Court of Buganda shall, in relation to the matters in respect of which it has jurisdiction, have the same powers as has the High Court of Uganda and shall observe the same practice and procedure as that High Court including the practice and procedure of that High Court with respect to use of the official language and the persons entitled to practise before that High Court.

(4) The Chief Justice may by rules of court make provision for the assignment of causes or matters in respect of which the High Court of Uganda and the High Court of Buganda have jurisdiction to one or other of those courts and for the transfer of any cause or matter from the High Court of

Buganda to the High Court of Uganda or from the High Court of Uganda to the High Court of Buganda.

(5) The High Court of Buganda shall administer justice in the name of the Kabaka.

95. (1) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law in Uganda (other than the High Court of Uganda or the court of appeal or a court-martial) and the court is of opinion that the question involves a substantial question of law the court may, and shall if any party to the proceedings so requests, refer the question to the High Court of Uganda.

(2) Where any question is referred to the High Court of Uganda in pursuance of this section the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision.

PART 2.

Appeals.

96. (1) An appeal shall lie as of right direct to Her Majesty in Council from final decisions of the High Court of Uganda on any question as to the interpretation of this Constitution:

Provided that if a court of appeal is established under subsection (2) of this section an appeal shall lie as of right

(a) to the court of appeal from final decisions of the High Court of Uganda on the interpretation of the provisions of Chapter III of this Constitution;

(b) to Her Majesty in Council from final decisions of the court of appeal in any such appeal.

(2) Parliament may make provision

(a) for the establishment of a court of appeal;

(b) for appeals to lie from decisions of the High Court of Uganda or the High Court of Buganda to the court of appeal in cases other than those mentioned in subsection (1) of this section; and

(c) for appeals in cases mentioned in paragraph (b) of this subsection to lie from the court of appeal to Her Majesty in Council.

(3) The provisions of this section shall be subject to the provisions of section 49 (3) of this Constitution.

PART 3.

Judicial Service Commission.

97. (1) There shall be a Judicial Service Commission for Uganda which shall consist of

(a) the Chief Justice, who shall be Chairman;

(b) a Minister designated by the Prime Minister or, if no Minister is so designated, the Attorney-General of Uganda;

(c) such puisne judge as may for the time being be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister; and

(d) one other member who shall be appointed by the President, acting in accordance with the advice of the Prime Minister.

2) The following provisions shall apply in relation to a member of the judicial Service Commission appointed by the President

(a) a person shall not be qualified for appointment as such unless he has the qualifications prescribed in section 91 (3) of this Constitution;

(b) subject to the provisions of this subsection, a person appointed as such shall vacate his office at the expiration of four years from the date of his appointment; and

(c) a person appointed as such may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

98. (1) Subject to the provisions of this section, power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such

offices and to remove such persons from office shall be vested in the Judicial Service Commission.

(2) If Parliament so provides, power to appoint persons to hold or act in an office referred to in subsection (5) (b) of this section shall vest in the Kabaka acting in accordance with the advice of the judicial Service Commission.

(3) Where this section is applied to an office in pursuance of subsection (5) (d) of this section and that office relates to a court limited in its jurisdiction to a specified race, power to appoint persons to hold or act in that office (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such an office and to remove such persons from office shall vest in the President acting in accordance with the advice of the Prime Minister:

Provided that, as respects a court whose jurisdiction is limited to a particular Federal State, the powers conferred by this section shall be exercised in the name of the Ruler of the State.

(4) The functions of the President, the Prime Minister and the Judicial Service Commission under this section shall be discharged in accordance with such provision as may be made by Parliament for regulating and facilitating the discharge thereof.

(5) The offices to which this section applies are

(a) the office of the Registrar or Deputy Registrar of the High Court of Uganda;

(b) the office of Registrar or Deputy Registrar of the High Court of Buganda;

(c) the office of Senior Resident Magistrate or Resident Magistrate;

(d) such other offices of an officer empowered to preside in or to be a member of any court of law (other than the High Court of Uganda or the High Court of Buganda), and such offices connected with any such court, as may be prescribed by Parliament.

(6) References in this section to a court of law do not include references to the court of appeal, a court-martial or a court recognised or established for the Kingdom of Buganda by the Buganda Courts Ordinance.

CHAPTER XII. (THE UGANDA CONSITITUTION,1962)

PUBLIC LAND.

118. (1) There shall be-

(a) for Uganda, a Land Commission; and

(b) for each Federal State and each District, a Land Board.

(2) The Land Commission shall consist of not more than five members who shall be appointed by the President.

(3) The Land Board for the Kingdom of Buganda shall consist of not more than eight members who shall be appointed by the Kabaka, acting in accordance with the recommendation of the Kabaka's Council of Ministers.

(4) The Land Board for a Federal State (other than the Kingdom of Buganda) or a District shall consist of not more than eight members who shall be appointed

(a) in the case of a Federal State or of a District having a constitutional head, by the Ruler or constitutional head of the State or District, acting in accordance with the recommendation of the Legislative Assembly of the State or Council of the District, signified by resolution;

(b). in the case of a District not having a constitutional head, by resolution of the Council of the District.

(5) A person shall not be qualified for appointment as a member of a Land Board unless he has such qualifications as may be prescribed by Parliament:

Provided that at least one member of a Land Board shall be appointed from amongst persons who are representatives of the traditional interests in land in the territory for which the Board is established.

(6) The office of a member of the Land Board shall become vacant

(a) at the expiration of such period, after his appointment, as may be prescribed by or under any Act of Parliament;

(b) if any circumstances arise that would cause him to be disqualified for appointment under sub section (5) of this section; or

(c) in such other circumstances as Parliament may prescribe.

(7) The Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the. Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.

(9) The functions of a Land Board of a Federal State shall be exercised on behalf of the Ruler and the functions of a Land Board of a District having a constitutional head shall, if the Council of the District so determine by resolution, be exercised by the Board on behalf of the constitutional head of the District.

(10) The provisions of subsection (7) and (8), of this section shall be without prejudice to the provisions of any law relating to

(a) the compulsory acquisition or taking possession of any land;

(b) mines, minerals, forests or national parks; or

(c) the tenure, use or management of land.

(11) Subject to the provisions of this section, Parliament may make provision for the tenure of office of members and the procedure of the Land Commission or a Land Board and for regulating the Commission or a Board in the performance of its functions.

119. (1) If the Government of Uganda is satisfied that land in the Kingdom of Buganda is needed for the purposes of the Government of Uganda that Government may, subject to the provisions of subsection (2) of this section, require the Kabaka's Government

(a) if the land is vested in the Land Board of the Kingdom, to cause the Board to vest the land in the Land Commission or such other authority as may be specified by the Government of Uganda;

(b) if the land is not vested in the Land Board of the Kingdom, to cause it to be acquired by agreement or compulsorily and to be vested in 84 the Land Commission or such other authority as may be specified by the Government of Uganda, and it shall

then be the duty of the Kabaka's Government to comply with that requirement.

(2) Where land is needed by the Government of Uganda for a purpose other than a public purpose as referred to in the Land Acquisition Act, 1894(a),, as in force at the commencement of this Constitution, a requirement shall not be made unless the President has, after consultation with the Kabaka's Government, appointed an impartial person or persons recommended by the Judicial Service Commission to enquire into the proposed acquisition of the land and any such person or (if more than one) a majority of those persons has reported that the acquisition will be for the general economic benefit of Uganda.

(3) Where land is acquired in accordance with paragraph (a) of subsection (1) of this section the Government of Uganda shall pay to the Kabaka's Government the amount it would be liable to pay if the land had been acquired under the law for the time being in force relating to compulsory acquisition.

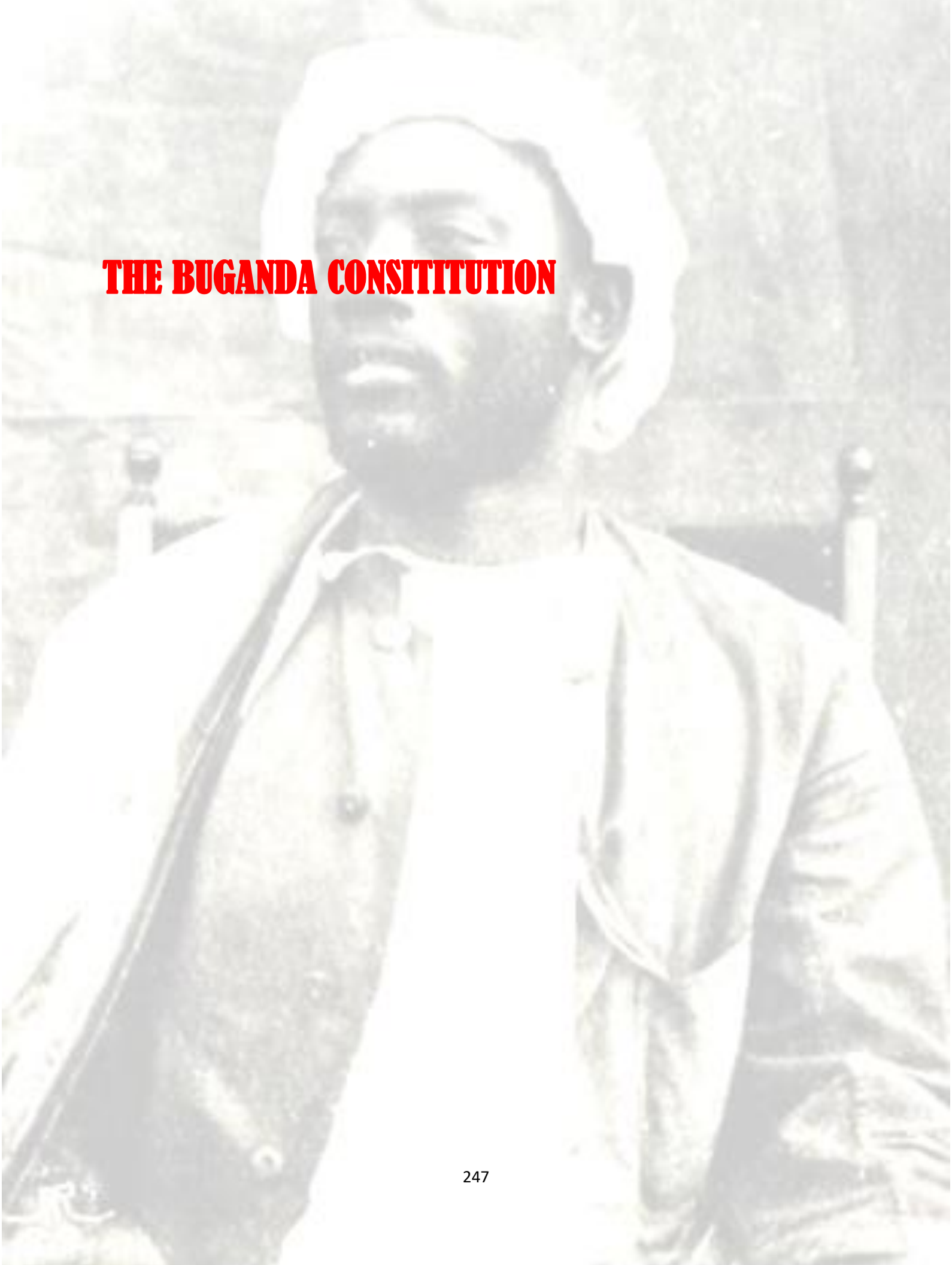
(4) Where any land in the Kingdom of Buganda vested in the Land Commission, under the provisions of this section ceases to be required for the purposes of the Government of Uganda it shall revert to the Land Board of the Kingdom if the Kabaka's Government agrees to pay to the Government of Uganda an amount equal to the market value of the land.

(5) The provisions of this section shall be without prejudice to the provisions of any law relating to the compulsory taking possession of land.

120. References in this Chapter to land include references to any estate, interest or right in land.

For our people to know how the Buganda Kingdom should be managed, there is urgent need to make the constitution of the Buganda Kingdom a sitting room document and for the reason I have had to put it below.

THE BUGANDA CONSITITUTION



Schedule 1 to the Constitution of Uganda, 1962.

The Constitution of Buganda

1. Interpretation

(1) In this Constitution, unless the context otherwise requires -

"Lukiiko" means the Lukiiko of Buganda;

"Minister" means a member of the Ministry constituted by article 4 of this Constitution;

"minor" means, in relation to the Kabaka, a person under the age of eighteen years.

(2) Any reference in this Constitution to an officer in the service of the Government of Uganda or the Kabaka's Government by the term designating his office shall be construed as a reference to the officer for the time being lawfully performing the functions of the office.

2. The Kabaka

(1) The Kabaka (King) who is the Ruler of Buganda shall be elected by a majority of the votes in the Lukiiko.

(2) The range of election shall be limited to the Royal Family of Buganda, that is to say, the descendants of Kabaka Mutesa I.

(3) The Kabaka shall enjoy all the titles, dignities and pre-eminence that attach to the office of Kabaka under the law

and custom of Buganda and the Namasole, the Nalinya Lubuga and the other members of the Royal Family of Buganda shall enjoy all such titles and precedence as they have heretofore enjoyed.

3. Regents

(1) (a) If at any time the Kabaka is a minor or is unable, other than by reason only of his absence from Buganda, to perform his functions under this Constitution, the Lukiiko shall elect three persons to be Regents.

(b) A Regent elected under sub-paragraph (a) of this paragraph shall cease to hold office

(i) when the Kabaka becomes able to perform his functions under this Constitution;

(ii) if he resigns by writing under his hand addressed to the Speaker; or -

(iii) if his appointment is terminated by resolution of the Lukiiko upon a motion proposed by not less than twenty members of the Lukiiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko.

(c) The Lukiiko may elect a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(2) (a) Whenever the Kabaka has occasion to be absent from Buganda, he may by writing under his hand appoint three persons to be Regents during such absence.

(b) A Regent appointed under sub-paragraph (a) of this paragraph shall cease to hold office

(i) upon the return of the Kabaka to Buganda;

(ii) if he resigns by writing under his hand addressed to the Kabaka;

(iii) if his appointment is terminated by the Kabaka; or

(iv) if the Kabaka ceases to be able to perform his functions under this Constitution otherwise than by reason of absence from Buganda.

(c) The Kabaka may appoint a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(d) The powers referred to in this paragraph shall not be exercisable during any period in which the Kabaka is a minor or is for any other cause other than absence from Buganda unable to perform his functions under this Constitution.

(3) During the subsistence of a Regency under paragraph (1) or paragraph (2) of this article, the Regents shall, so long as they observe the terms of this Constitution, and subject to the provisions of paragraph (5) of this article, have full

authority to perform the functions of the Kabaka under this Constitution.

(4) A Regent shall not assume the functions of the office of Regent unless he has first taken an oath for the due performance of the office in the form following-

"I . , do hereby swear that I will be loyal to the Kabaka of Buganda, his heirs and successors, and will well and truly perform the functions of the office of Regent of Buganda according to law and will uphold the peace, order and good government of Buganda, and will do right to all manner of people, according to the Constitution, the laws, and the customs of Buganda, without fear or favour, affection or ill-will. So help me God."

(5) (a) Any function of the Kabaka under this Constitution shall be performed by the Regents in the same manner, so far as custom allows, as that in which the functions would be performed by the Kabaka save that file signature of two Regents shall he a sufficient signification of the will of the Regents.

(b) Where any matter is dependent on the decision of the Regents, any decision shall be regarded as the decision of the Regents if two of the Regents are in favour thereof.

(c) If any Regent is absent from Buganda or for any other reason unable to perform the functions of a Regent or if the

office of one of the Regents is vacant, it shall he sufficient if the functions of the Regents are performed by two Regents.

4. The Ministry

(1) There shall be a Ministry for Buganda, which shall be called "the Kabaka's Council of Ministers" and is hereinafter sometimes for brevity referred to as "the Ministry".

(2) The Kabaka's Council of Ministers shall consist of

a. the Katikkiro;

b. the Ornulamuzi;

c. the Omuwanika;

d. the Minister of Health and Works;

e. the Minister of Education;

f. the Minister of Natural Resources;

g. the Minister of Local Government:

Provided that the number and designation of members of the Ministry other than the Katikkiro, the Omulamuzi and the Omuwanika may be varied from time to time by resolution passed by the Lukiiko.

(3) When there is occasion for the resignation of the Ministry to be tendered, the Katikkiro shall tender the resignation of

the Ministers collectively to the Kabaka through the Speaker, and the Kabaka shall thereupon accept the resignation:

Provided that where the resignation is tendered in accordance with the provisions of article 7 of this Constitution, the Kabaka shall not accept the resignation until the Katikkiro-designate submits to him the names of persons selected for the ministerial offices in accordance with article 9 (6) of this Constitution.

(4) Each member of the Ministry shall have such responsibilities as may be determined by the Katikkiro.

5. Conduct of Kabaka's Government

(1) The Kabaka's Council of Ministers as a whole shall be charged with the conduct of the Kabaka's Government, and each Minister shall be individually responsible for such departments of the Kabaka's Government as may be placed in his charge.

(2) All acts of the Kabaka's Government shall, save in so far as law and custom otherwise require, be done in the name of the Kabaka.

(3) Where any function under this Constitution is exercisable by the Kabaka, that function shall, unless a contrary intention appears, be exercised by him by means of a written instrument signed by him in the presence of a Minister, who shall sign the same as witness.

(4). (a) Where it is provided in this Constitution that the Kabaka may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(b) (i) A statement in writing signed by the Katikkiro that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Katikkiro or of the Ministry in accordance with the recommendation shall be conclusive evidence of that fact.

(ii) A certified true copy of a minute of the Buganda Public Service Commission or of any committee appointed by the Kabaka under this Constitution recording that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Commission or committee in accordance with the recommendation shall be conclusive evidence of that fact.

6. Kabaka to be kept informed

The Katikkiro shall keep the Kabaka fully informed on all important matters concerning the Kabaka's Government.

7. Procedure when Lukiiko meets after dissolution

(1) When the Lukiiko meets for the first time after any dissolution thereof, the resignation of the Kabaka's Council of Ministers then in office shall be tendered.

(2) When the resignation of the Ministry has been tendered in accordance with paragraph (1) of this article, a Katikkiro-designate shall he elected in accordance with the procedure laid down in article 8 of this Constitution and candidates for the ministerial offices shall be elected in accordance with the procedure laid down in article 9 of this Constitution.

8. Election of Katikkiro-designate

(1) The Speaker shall fix a day by which nominations of candidates for the office of Katikkiro shall be submitted to him.

(2) (a) Any person may be nominated as a candidate for the office of Katikkiro, whether or not he is a member of the Lukiiko, by not less thin five members of the Lukiiko.

(b) Nominations shall be submitted in writing, signed by the members making them, to the Speaker on or before the day fixed by him in that behalf.

(3) The Speaker shall prepare a list of the persons who have been duly nominated and shall cause copies of the list to be laid before the Lukiiko.

(4) On the fifth weekday after the list has been so laid or such other day as the Speaker shall consider convenient, the Lukiiko shall by secret ballot elect as Katikkiro-designate one of the persons whose name appears on the list.

(5) If at any time the office of Katikkiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

9. Election of candidates for Ministerial offices

(1) When the Katikkiro-designate has been elected, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Katikkiro shall be submitted to him.

(2) Any person may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiiko, either by the Katikkiro-designate or by not less than three members of the Lukiiko.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker, oil or before the day fixed by him in that behalf:

Provided that

(a) no person other than the Katikkiro-designate shall join in nominating more than three candidates;
(b) the Katikkiro-designate shall not nominate more thin five candidates.

(4) The Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall

cause copies of the list to be laid before the Lukiiko and, if the names of more than fifteen persons appear in the list, the Lukiiko shall on the third weekday thereafter, or on such other day is the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices fifteen persons from among those persons whose names appear in the list.

(5) The Katikkiro-designate shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates or, if the names of more than fifteen persons appear in that list, from the names of the persons elected as candidates by the Lukiiko.

(6) The Katikkiro-designate shall submit the names of the persons selected under the foregoing provisions of this article to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office.

(7) If at any time the office of the Katikkiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

10. Appointment of Ministers

When the names of persons selected for the ministerial offices have been submitted to the Kabaka, the Kabaka shall appoint the Katikkiro-designate to be Katikkiro by, handing him the Ddamula and, not earlier than the following day, the Kabaka shall appoint the persons selected to the ministerial

offices for which they have been recommended by the Katikkiro-designate by receiving their homage and allegiance in customary form in respect of such offices.

11. Transfer of Ministers

(1) The Kabaka may, on the recommendation of the Katikkiro, transfer the holder of any ministerial office, other than the office of Katikkiro, to another such ministerial office.

(2) When any person is to be transferred from one ministerial office to another under this article, he shall tender his resignation from the office that he is relinquishing to the Kabaka, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

12. Vacancies among Ministers

(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Ministry under article 13 of this Constitution a Katikkiro-designate and candidates for the ministerial offices other than the office of Katikkiro shall be elected in accordance with the procedure laid down in articles 8 and 9 of this Constitution, and the Katikkiro-designate and the other persons so elected shall be appointed to be Ministers in accordance with article 10 of this Constitution.

(2) (a) If the office of Katikkiro becomes vacant at any time otherwise than by reason of the resignation of the Ministry, a Katikkiro-designate shall be elected in accordance with the procedure laid down in article 8 of this Constitution, and the Kabaka shall appoint him to be Katikkiro by handing him the Ddamula.

(b) When a Katikkiro has been appointed in pursuance of subparagraph (a) of this paragraph, the other Ministers holding office at the time of the appointment shall tender their resignations to the Kabaka, and the Katikkiro shall recommend to the Kabaka in relation to each Minister either that he should accept or that he should refuse the resignation, and the Kabaka shall act in accordance with the recommendation.

(c) If by reason of the acceptance of resignations, the offices of the Ministers other than the Katikkiro become vacant -

(i) the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of Katikkiro shall he submitted to him;

(ii) any person, not being a person who held office as a Minister at the time when the Katikkiro was appointed, may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiiko, either by the Katikkiro or by not less than three members of the Lukiiko;

(iii) nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf:

Provided that -

(a) no person other than the Katikkiro shall join in nominating more than three candidates;

(b) the Katikkiro shall not nominate more than five candidates;

(iv) the Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiiko and if the names of more than ten persons appear in the list, the Lukiiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the vacant ministerial offices ten persons from among those persons whose names appear in the list;

(v) the Katikkiro shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates or, if the names of more than ten persons appear in that list, from the names of the persons elected as candidates by the Lukiiko;

(vi) the Katikkiro shall submit the names of the persons selected under the foregoing provisions of this sub-paragraph to the Kabaka with a recommendation that each such person shall he appointed to a particular ministerial office, and the Kabaka shall appoint the persons selected to the ministerial offices for which they have been recommended by receiving their homage and allegiance in customary form in respect of those offices.

(3) (a) If a ministerial office other than that of the Katikkiro becomes vacant at any time otherwise than by reason of the resignation of the Ministry, the Speaker shall, so soon as convenient, fix a day by which nominations of candidates for the office shall be submitted to him.

(b) Any person may be nominated for the vacant office whether or not he is a member of the Lukiiko, either by the Katikkiro or by not less than three members of the Lukiiko,

(c) Nominations shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf:

Provided that no person shall join in nominating more than one candidate.

(d) The Speaker shall prepare a list of the persons who have been duly nominated for the vacant office and shall cause copies of the list to be laid before the Lukiiko; and if the names of more than five persons appear in the list, the Lukiiko

shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the vacant office five persons from among those persons whose names appear in the list.

(e) The Katikkiro shall select a person for appointment to the vacant office from the persons whose names appear in the list of candidates or, if the names of more than five persons appear in that list, from the names of the persons elected as candidates by the Lukiiko.

(f) The Katikkiro shall submit the name of any person selected under the foregoing provisions to the Kabaka, and the Kabaka shall appoint him to the vacant office by receiving his homage and allegiance in customary form in respect of the office.

13. Vote of no confidence in Ministry

(1) If a motion declared by the Speaker under paragraph (3) of this .article to be a motion of no confidence in the Kabaka's Council of Ministers on an important matter, in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko, is carried by the Lukiiko, the resignation of the Ministry shall be tendered to the Kabaka through the Speaker.

(2) Fourteen days' notice shall be given to the Lukiiko by the Speaker before any such motion is debated.

(3) If in the opinion of the Speaker any motion (including a motion that has been amended) that has been proposed by not less than twenty members of the Lukiiko is a motion signifying no confidence in the Ministry on an important matter, he shall declare it as such and his declaration shall be final.

Provided that any motion proposed by not less than forty of the Lukiiko that specifically expresses no confidence in the Ministry shall be deemed for the purpose of this article to be a motion of no confidence in the Ministry on an important matter and shall he declared by the Speaker to be such a motion.

14. Special procedure for financial measures

(1) If any Appropriation bill or Supplementary Appropriation bill of the Kabaka's Government or any bill or motion for making financial provision for any purpose is proposed in the Lukiiko by a Minister, and the bill or motion is rejected by the Lukiiko, the Katikkiro may give notice to the Speaker that he proposes to treat the said bill or motion as a matter of confidence in the Ministry.

(2) At any time not less than fourteen days and not more than twenty-eight days after notice has been given to the Speaker in pursuance of paragraph (1) of this article, a Minister may again introduce the bill or motion with or without amendment.

(3) If the bill or motion is then rejected by the Lukiiko by the votes of not less than two-thirds of all the members of the Lukiiko, a vote of no confidence in the Kabaka's Council of Ministers shall be deemed to have been carried by the Lukiiko, and the resignation of the Ministry shall be tendered in accordance with the provisions of article 4 (3) of this Constitution; but in any other case the bill or motion shall be deemed to have been passed by the Lukiiko.

(4) In this article the expression "rejected by the Lukiiko" means not passed by the Lukiiko without amendment or passed by the Lukiiko with amendments that are not acceptable to the Ministry.

15. Tenure of office of Ministers

(1) The office of a Minister shall become vacant

(a) if the holder of the office resigns by writing under his hand addressed to the Kabaka through the Speaker;
(b) if the resignation of the Ministry is accepted by the Kabaka; or
(c) if the appointment is terminated under articles 12, 13, 16 or 17 of this Constitution.

(2) Whenever the office of the Katikkiro becomes vacant the Ddamula shall be delivered to the Kabaka forthwith in the customary manner.

(3) If at any time the office of a Minister is vacant, the functions of the Minister shall be discharged during the period of the vacancy in such manner as the Katikkiro or, if the office of the Katikkiro is vacant, the remaining Ministers shall decide:

Provided that if the offices of all the Ministers are vacant, the functions of each Minister (other than those functions that he performs in his capacity as a member of a Lukiiko) shall, during the period in which the said office remains vacant, be discharged by the Permanent Secretary to that Minister.

16. Termination of appointment of Minister for misconduct or incapacity

(1) The Kabaka shall terminate the appointment of a Minister if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee, consisting of such persons as he shall consider suitable, to enquire into the nature of the offence; and the committee shall, if it is satisfied that the offence involved moral turpitude, inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the Minister.

(3) If in the opinion of the Kabaka a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the Minister has become incapable of performing his functions as a Minister by reason of physical or mental infirmity, inform the Kabaka accordingly and thereupon the Kabaka shall terminate the appointment of the Minister.

17. Termination of appointment of Minister for failure to carry out policy of Ministry

(1) If in the opinion of the Katikkiro any Minister has failed to carry out the policy or the decisions of the Ministry either persistently or in respect of an important matter, he may call a meeting of the Ministers, and propose that the Minister should be dismissed.

(2) The proposal shall be put to the Vote, and if a majority of the votes of the Ministers are cast in favour of the proposal, the Katikkiro shall recommend to the Kabaka that he should terminate the appointment of that Minister and the Kabaka shall terminate the appointment accordingly.

(3) Each Minister, other than the Minister whose dismissal is proposed, may vote on the proposal and in the event of an

equality of votes the Katikkiro may exercise a casting vote as well as an original vote.

18. The Attorney-General of Buganda

(1) There shall be in Attorney-General for Buganda, who shall be the principal legal Adviser to the Kabaka's Government.

(2) The Attorney-General of Buganda shall be entitled to appear on behalf of the Kabaka's Government in all civil proceedings in which the Kabaka's Government is a party.

(3) The Attorney-General of Buganda shall be entitled to take part in the proceedings of the Lukiiko, but shall not be entitled to vote unless he is a member.

(4) The Director of Public Prosecutions of Uganda shall be responsible for the control of all criminal proceedings in Buganda except criminal proceedings instituted in the Principal Court or in any Buganda Court functioning under the Buganda Courts Ordinance in regard to which prosecutions the Director of Public Prosecutions of Buganda shall have general responsibility, supervision and control.

19. Permanent Secretaries to Ministries and divisional administrative officers

(1) There shall be a Permanent Secretary to each Minister.

(2) The Permanent Secretary to the Katikkiro shall be Head of the Buganda Civil Service.

(3) There shall be such number of divisional administrative officers as the Katikkiro shall determine, who shall be responsible to the Katikkiro.

20. Constitution of the Lukiiko

The Lukiiko (which shall be the Legislative Assembly of Buganda) shall be composed of:-

(a) sixty-eight elected members, elected in accordance with the provisions of articles 21, 23 and 24 of this Constitution;
(b) the Chief of each saza (not exceeding twenty in number);
(c) six members appointed by the Kabaka from among persons who appear to him to be of importance in the country; and
(d) those members of the Kabaka's Council of Ministers who are not members of the Lukiiko by virtue of paragraph (a), (b) or (c) of this article:

Provided that the number of Ministers of the Kabaka's Government who are ex-officio members of the Lukiiko by virtue of this paragraph shall not exceed six.

21. Qualifications for elected membership

(1) A person shall be qualified for election as an elected member of the Lukiiko if he has the qualifications prescribed by the Constitution of Uganda for election as an elected member of the National Assembly (other than any qualification relating to the ability to speak English) and is not

disqualified by or under that Constitution for election as such a member.

(2) No person shall be qualified for election or appointment as a member of the Lukiiko if he is a Minister of the Government of Uganda, a parliamentary Secretary or the Attorney-General of Uganda.

22. Electoral Boundary Commissioner

(1) The Kabaka's Government shall whenever it shall be necessary for the review of the boundaries of constituencies appoint an Electoral Boundary Commissioner.

(2) The Electoral Boundary Commissioner shall be an independent and impartial person and, in the discharge of his functions under this Constitution, shall not be subject to the direction or control of any other person or authority.

(3) The Electoral Boundary Commissioner shall be appointed for such period as may be agreed between the Commissioner and the Kabaka's Government as being necessary for the performance of his functions under article 23 of this Constitution and during that period he shall not be removed from office by the Kabaka's Government except for inability to discharge the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour.

23. Delimination of constituencies

(1) For the purposes of elections to the Lukiiko, Buganda shall be divided into as many constituencies as there are elected members of the Lukiiko in such manner as the Electoral Boundary Commissioner may, by order published in the *Akiika Embuga*, prescribe.

(2) The boundaries of each, constituency shall be such that the electorate, as far as practicable, is equal in all constituencies.

(3) The boundaries of the constituencies for elections to the Lukiiko shall be reviewed by an Electoral Boundary Commissioner from time to time at intervals of not more than five years, and, upon the completion of the review, the Electoral Boundary Commissioner may make such alterations in the boundaries of the constituencies as he may consider necessary to give effect to the provisions of paragraph (2) of this article.

24. Elections

The following provisions shall apply to the election of the elected members of the Lukiiko:

(a) each constituency shall be represented by one elected member;

(b) every person whose name appears on the parts of the register of electors prepared for the election of elected

members of the National Assembly which relate to the area included in a constituency shall be entitled to vote at elections of an elected member of the Lukiiko to represent that constituency;

(c) the elections shall be conducted in accordance with the general law of Uganda relating to the election of elected members of the National Assembly:

Provided that the President, after consultation with the Kabaka's Government, may by order make such modification in that law, for the purposes of its application to elections to the Lukiiko, as he may consider necessary.

25. Determination of questions as to membership of Lukiiko

The High Court of Buganda shall have original jurisdiction to hear and determine any question whether any person has been validly appointed, selected or elected as a member of the Lukiiko.

26. Prorogation and dissolution of the Lukiiko

(1) The Kabaka may at any time prorogue or dissolve the Lukiiko.

(2) The Lukiiko, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(3) In the exercise of his powers to dissolve the Lukiiko, the Kabaka shall act in accordance with the recommendation of the Katikkiro.

Provided that the Kabaka may, at any time, dissolve the Lukiiko if he considers it to be in the interests of Buganda to do so, notwithstanding that the Katikkiro has not recommended a dissolution or has recommended that the Lukiiko should not be dissolved.

27. Speaker and Deputy Speaker

(1) When the Lukiiko first meets after any dissolution thereof, the members present shall, before transacting any other business, elect a Speaker and a Deputy Speaker of the Lukiiko.

(2) As often as the office of Speaker or the Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Lukiiko, the members thereof shall as soon as is practicable elect a person to the office.

(3) A person may be elected to be Speaker whether or not he is a member of the Lukiiko.

(4) No person shall be elected as Deputy Speaker unless he is a member of the Lukiiko.

(5) The Speaker shall receive such salary as may from time to time be determined by a Buganda law.

(6) The office of the Speaker or the Deputy Speaker shall become vacant -

(a) upon a dissolution of the Lukiiko;

(b) if the holder of the office resigns his office by writing under his hand addressed to the Katikkiro;

(c) in the case of the Deputy Speaker, if he ceases to be a member of the Lukiiko otherwise than by reason of a dissolution thereof; or

(d) if his appointment is terminated by a resolution of the Lukiiko upon a motion proposed by not less than twenty members of the Lukiiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko.

28. Presiding in Lukiiko

There shall preside at meetings of the Lukiiko

(a) the Speaker;

(b) in the absence of the Speaker, the Deputy Speaker;

(c) in the absence of the Speaker and the Deputy Speaker, such person as may be elected by the Lukiiko from among the members of the Lukiiko.

29. Standing Orders for Lukiiko

Subject to the provisions of this Constitution, the Lukiiko may make Standing Orders for the regulation and orderly conduct of its own proceedings and for the passing of Buganda laws.

30. Determination of questions in Lukiiko

(1) Save as otherwise provided in this Constitution

(a) all questions proposed for decision in the Lukiiko shall be determined by a majority of the votes of the members present and voting:

Provided that neither the Speaker, nor the Deputy Speaker, nor any member of the Lukiiko while presiding therein, shall have a vote or be entitled to take part in debate;

(b) if on any question the votes are equally divided, the motion shall be lost.

(2) No business except that of adjournment shall be transacted in the Lukiiko if there are present (besides the Speaker or other person presiding) less than forty-five members of the Lukiiko.

31. Legislature of Buganda

(1) The Legislature of Buganda shall consist of the Kabaka acting with the advice and consent of the Lukiiko.

(2) The power of the legislature of Buganda to make laws shall be exercised by bills passed by the Lukiiko and assented to by the Kabaka.

(3) When a bill has been passed by the Lukiiko it shall be submitted by the Katikkiro to the Kabaka, who shall sign the same in token of assent.

(4) A Law passed by the Legislature of Buganda shall be published in the *Akiika Embuga* in Luganda and in the *Uganda Gazette* in English, and shall come into force on the date of its publication in the *Akiika Embuga,* whether or not the Law has been published in the *Uganda Gazette* by such date. Provided however that such Law may postpone the operation of any of its provisions or provide for any of its provisions taking effect retrospectively.

32. Authorisation of expenditure

(1) The Omuwanika shall cause to be prepared and laid before the Lukiiko in each financial year estimates of the revenues and expenditure of Buganda for the next following financial year.

(2) The heads of expenditure contained in the estimates shall be included in a bill to be known as an Appropriation bill, providing for the issue from the funds of the Kabaka's Government of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found that the amount appropriated by the Appropriation law for any purpose is insufficient or that a need has arisen for expenditure for a

purpose for which no amount has been appropriated by the Appropriation law, a supplementary estimate showing the sums required shall be laid before the Lukiiko and the heads of any expenditure shall be included in a supplementary Appropriation bill.

(4) Before submitting estimates to the Lukiiko the Omuwanika shall cause those estimates to be sent to the Minister of the Government of Uganda responsible for finance and the Kabaka's Government shall consider the observations of that Minister on those estimates.

33. Audit of accounts

(1) The public accounts of the Kabaka's Government shall be audited and reported on by the Controller and Auditor-General of the Uganda Government or by such other auditor as may be approved by the Controller and Auditor-General and for that purpose the auditor or any person authorised by him in that behalf shall have access to all books, records, reports and other books relating to those accounts.

(2) The Kabaka's Government shall send to the auditor the accounts of that Government duly made up within four months of the conclusion of the period to which they refer.

(3) The auditor shall submit his report to the Minister of the Government of Uganda responsible for finance and to the Kabaka's Government and the Kabaka's Government shall cause the auditor's report together with the accounts to

which it refers to be published in the *Uganda Gazette* and the *Akiika Embuga.*

34. Public Accounts Committee

(1) The Lukiiko shall appoint a Public Accounts Committee from amongst its members whose duties shall be to consider the accounts of the Kabaka's Government in conjunction with the auditor's report and to report to the Lukiiko -

(a) in the case of any excess or unauthorised expenditure of funds the reasons for such expenditure; and

(b) any measures it considers necessary in order to ensure that the funds of the Kabaka's Government are properly and economically spent.

(2) The Public Accounts Committee shall submit its report to the Omuwanika within three months of the publication of the accounts and the report of the Public Accounts Committee together with the Omuwanika's comments thereon shall be laid on the table of the Lukiiko and published in the *Uganda Gazette* and in the *Akiika Embuga* within two months of its submission to the Omuwanika.

(3) The Public Accounts Committee shall be entitled to see any observations made by the Minister of the Government of Uganda responsible for finance under the provisions of article 32 of this Constitution.

35. Committees of Lukiiko

(1) The Lukiiko may establish standing and ad hoc committees, consisting of members of the Lukiiko, for any purpose.

(2) The Lukiiko may establish standing committees to advise the Ministers responsible for the following subjects: -

(a) finance;
(b) public works;
(c) education;
(d) health;
(e) natural resources;
(f) local government and community development:

Provided that the Lukiiko may by resolution vary the subjects specified in this paragraph.

(3) Each standing committee established under paragraph (2) of this article shall be under the chairmanship of the Minister who is responsible for the subject with which the committee is dealing, and its function shall be to study that subject and advise the Minister thereon.

(4) The Permanent Secretary to the Minister who is chairman of the committee and any other persons who are required by the committee for its efficient working may attend and take part in the deliberations of any committee established under paragraph (2) of this article; but shall not vote therein.

(5) Nothing in this article shall apply to or affect the functions of the standing committees of the Lukiiko in existence at the commencement of this Constitution.

36. Buganda Public Service Commission

(1) There shall be established a Buganda Public Service Commission (hereinafter in this article referred to as "the Commission"), which shall consist of -

(a) a chairman, who shall be appointed by the Kabaka; and

(b)three other persons, who shall be appointed by the Kabaka upon the recommendation of the Ministry.

(2) The Ministry shall recommend for appointment as members of the Commission persons who they are satisfied are experienced in public affairs but are not at the time actively engaged in politics.

(3) The office of a person appointed to be a member of the Commission in pursuance of paragraph (1) (a) or (b) of this article, shall become vacant-

(a) in the case of the Chairman, at the expiration of four years from the date of his appointment;

(b) in the case of a member of the Commission other than the Chairman, at the expiration of three years from the date of his appointment;

(c) if he resigns; or

(d) if his appointment is terminated under paragraph (4) of this article.

(4) (a) The Kabaka shall terminate the appointment of a member of the Commission if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(b) If a member of the Commission is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of (the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the nature of the offence; and the committee shall, if it is satisfied that the offence involves moral turpitude, inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the member.

(c) If in the opinion of the Kabaka a member of the Commission may have become incapable of performing his functions as a member of the Commission by reason of physical or mental infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the member has become incapable of performing his functions as a member of the Commission by reason of physical or mental infirmity, inform the Kabaka

accordingly, and thereupon the Kabaka shall terminate the appointment of the member.

37. Appointment of officers of Kabaka's Government

(1) (a) Appointments to the office of Permanent Secretary to a Minister, to the office of Saza Chief, Gombolola Chief, Muluka Chief and to the offices specified in the Schedule to this Constitution shall, subject to the provisions of this article and of article 19, be made by the Kabaka on the recommendation of the Buganda Public Service Commission.

(b) The Kabaka shall make appointments under this paragraph by receiving from each person to be appointed to an office his homage and allegiance in customary form in respect of that office.

(2) (a) The Buganda Public Service Commission shall, subject to the provisions of this article and of article 39, be responsible for the appointment of all officers and employees in the service of the Kabaka's Government other than those appointed by the Kabaka under paragraph (1) of this article.

(b) For the purposes of this paragraph the offices of Minister, Parliamentary Secretary, Speaker of the Lukiiko, Deputy Speaker of the Lukiiko and member of the Public Service Commission shall not be regarded as offices in the service of the Kabaka's Government.

(3) Appointments under this article shall be made in conformity with the provisions of the Buganda Staff Regulations.

38. Tenure of office and disciplinary control of officers of Kabaka's Government

(1) The office of a Permanent Secretary to a Minister or of a Saza Chief shall become vacant

(a) if the holder of the office resigns by writing under his hand addressed to the Kabaka through the Katikkiro; or

(b) if his appointment is terminated by the Kabaka on the recommendation of the Buganda Public Service Commission or, in the case of the Permanent Secretary to the Katikkiro, on the recommendation of the Katikkiro on the grounds of misconduct, inefficiency or ill health.

(2) An office in the service of the Kabaka's Government, not being an office to which paragraph (1) of this article or article 39 applies, shall become vacant

(a) if the holder of the office resigns; or

(b) if his appointment is terminated by the Buganda Public Service Commission on the grounds of misconduct, inefficiency or ill health.

(3) The Buganda Public Service Commission shall, subject to the provisions of this article and article 39, be responsible

for the disciplinary control of all chiefs, officers and employees in the service of the Kabaka's Government.

(4) The powers conferred upon the Buganda Public Service Commission by this article shall be exercised in conformity with the provisions of the Buganda Staff Regulations.

(5) For the purposes of this article the offices of Minister, Speaker of the Lukiiko, Deputy Speaker of the Lukiiko and member of the Buganda Public Service Commission shall not be regarded as offices in the service of the Kabaka's Government.

39. Appointment, etc. of members of Kabaka's police force

(1) The following provisions shall apply in relation to appointments to offices in the Kabaka's Police Force

(a) appointments to the office of chief officer of the force shall be made by the Kabaka on the recommendation of the Buganda Public Service Commission after the Commission has consulted the Public Service Commission of Uganda and the Inspector-General;

(b) appointments to offices in the force of and above the rank of Assistant Superintendent shall be made by the Public Service Commission of Buganda after the Commission has consulted the Inspector-General;

(c) appointments to offices in the force below the rank of Assistant Superintendent shall be made by the chief officer of the force:

Provided that- 1.

(i) the chief officer shall, in making any such appointment, comply with any directions in writing with respect to the qualifications of any person selected for appointment that may be given by the Inspector-General;

(ii) no appointment shall take effect until it is confirmed by the Inspector-General.

(2) Subject to the provisions of this article, power to exercise disciplinary control over persons holding or acting in offices in the Kabaka's Police Force of and above the rank of Assistant Superintendent and to remove such persons from office shall vest in the public Service Commission of Buganda.

(3) Subject to the provisions of this article, power to exercise disciplinary control over persons holding or acting in offices in the Kabaka's Police Force below the rank of Assistant Superintendent and to remove such persons from office shall vest in the chief officer of the force.

(4) In such cases and subject to such conditions as may be prescribed by parliament an appeal shall lie -

(a) to a tribunal, consisting of such number of persons as may be prescribed by Parliament, appointed by the Kabaka in

accordance with the recommendation of the, Public Service Commission of Uganda, from a decision to exercise disciplinary control or remove a person from office such as is referred to in paragraph (2) of this article;

(b) to the Inspector-General, from a decision to exercise disciplinary control or remove a person from office such as is referred to in paragraph (3) of this article.

(5) Any power to exercise disciplinary control or to remove from office, and any power to determine appeals from a decision made in exercise of such a power that is vested in any person by this article shall be exercised in accordance with such provision as may, subject to the provisions of this article, be made in that behalf by Parliament.

40. Staff regulations

(1) The Kabaka's Council of Ministers, after consultation with the Public Service Commission of Uganda, may make regulations, to be known as the Buganda Staff Regulations, for all or any of the following purposes relating to persons in or desiring to enter the service of the Kabaka's Government

(a) the manner in which the Buganda Public Service Commission shall carry out its functions;

(b) the maintenance of discipline;

(c) the regulation of appointments (including appointments on promotion and transfer), remuneration, termination of appointments and leave;

(d) providing for suspension from duty and salary to be paid during such suspension;

(e) regulating the payment of allowances, the making of advances and other terms and conditions of service;

(f) authorising the Buganda Public Service Commission to delegate its responsibilities under paragraph (2) of article 37 and paragraph (3) of article 38 of this Constitution in respect of such classes of officers and employees in the service of the Kabaka's Government is may be specified in the regulations; and

(g) such other matters relating to departmental procedure and the duties and responsibilities of chiefs, officers and employees, as the Ministers consider can be best regulated by such regulations.

(2) The Buganda Staff Regulations in so far as they relate to discipline, may, without prejudice to the generality of the provisions of paragraph (1) of this article, provide for

(a) withholding or deferring increments either permanently or for a specified period;

(b) reduction in rank or salary either permanently or temporarily; and

(c) deductions from salary in respect of damage to property caused by misconduct or breach of duty.

(3) The Buganda Staff Regulations as from time to time in force shall, except as otherwise provided in such regulations or in any contract of service, form part of the terms of service of any person to whom they apply.

41. Chiefs in Buganda

(1) At the head of each Saza in Buganda there shall be a chief who shall he called a Saza Chief and who shall be responsible to the Katikkiro for the administration of his Saza and for the collection of the taxes he is required to collect by the Katikkiro.

(2) Each Saza shall be divided into Gombololas and each such Gombolola shall be in charge of a chief who shall be called a Gombolola Chief. Each Gombolola shall he divided into Miruka, and in each Muluka there shall be a chief who shall be styled a Muluka Chief.

(3) Gombolola and Muluka Chiefs shall assist Saza Chiefs in the performance of their duties.

THE SCHEDULE TO THE CONSTITUTION OF BUGANDA.

The Attorney-General of Buganda.
The Solicitor General of Buganda.
The Director of Public Prosecutions, Buganda.
Divisional Administrative Officers.

The Senior Assistant Secretaries to Ministers.
Judges of the Kabaka's Courts (other than the Buganda High Court or persons, appointed by, or on the advice of, the Uganda Judicial Service Commission).
The Chief Officer of the Kabaka's Police Force.
The Information Officer.
The Legal Officer.
The Legal Draftsman.
The Land Officer.
The Clerk of Council.
The Private Secretary to the Kabaka.
The Superintendent of Works.
Assistants to the Superintendent of Works.
The Kabaka's Chamberlain.
The Superintendent of Prisons.
Deputy Saza Chiefs.
The Magistrates.
Scholarships Secretary.
Educational Secretary- General.
Education Officers.
Assistant Secretaries.
Public Relations Officer.
Forest Officer.
Chief Accountant.
Lukiiko Cashier.

Officer-in-Charge of Lukiiko Committee.
Registrar.

After having made you privy to the above legal documents, we will need to understand the legal objectives of the Buganda Land Board which are supposed to be the same as those of the Uganda Land Commission whose roles are properly spelt out in the Land Act, Cap 227 of the laws of Uganda.

The above document is the one that Charles Peter Mayiga and others claiming to be running the Buganda Kingdom are supposed to legally comply with. The million-dollar question will be; Has Charles Peter Mayiga the Kingdom Chief Executive Officer been governing the Buganda Kingdom following this document?

Charles Peter Mayiga, The Buganda Kingdom, Chief Executive Officer

Roles and Functions of Uganda Land Commission

The 1995 Constitution Art.239 lays out the functions of ULC as to hold and manage any land in Uganda vested in or acquired by Government of Uganda in accordance with the provisions of the Constitution and such other functions as may be prescribed by Parliament.

The Land Act, Cap 227 (sec 49) lays out the functions of ULC as follows;

- a) Hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution;
- b) Where applicable, hold and manage any land acquired by the Government abroad, except that the Commission may delegate the management of such land to Uganda's Missions abroad;
- c) Procure certificates of title for any land vested in or acquired by the Government;
- d) Perform such other functions as may be prescribed by or under the Land Act or any other enactment;
- e) Sec 41(2) of the Land Act places management of the Land Fund (LF) to the Uganda Land Commission.

The Uganda Land Commission Vide the presents in the 1961 Buganda Agreement has the same functions as the Uganda Land Commission above and not any other.

Up to this point we are aware of the roles of the Buganda Land Board before the enactment of the 1967 constitution. It will now be proper that we are all privy to the effect 118 of the Uganda Constitution 1962. For avoidance of doubt I have had to repeat effect 118 of the constitution of Uganda below

and subsequently I will provide the extract of the 1967 constitution that got rid of it.

CHAPTER XII.(THE UGANDA CONSITITUTION,1962)

PUBLIC LAND.

118. (1) There shall be-

(a) for Uganda, a Land Commission; and

(b) for each Federal State and each District, a Land Board.

(2) The Land Commission shall consist of not more than five members who shall be appointed by the President.

(3) The Land Board for the Kingdom of Buganda shall consist of not more than eight members who shall be appointed by the Kabaka, acting in accordance with the recommendation of the Kabaka's Council of Ministers.

(4) The Land Board for a Federal State (other than the Kingdom of Buganda) or a District shall consist of not more than eight members who shall be appointed

(a) in the case of a Federal State or of a District having a constitutional head, by the Ruler or constitutional head of the State or District, acting in accordance with the recommendation of the Legislative Assembly of the State or Council of the District, signified by resolution;

(b). in the case of a District not having a constitutional head, by resolution of the Council of the District.

(5) A person shall not be qualified for appointment as a member of a Land Board unless he has such qualifications as may be prescribed by Parliament:

Provided that at least one member of a Land Board shall be appointed from amongst persons who are representatives of the traditional interests in land in the territory for which the Board is established.

(6) The office of a member of the Land Board shall become vacant

(a) at the expiration of such period, after his appointment, as may be prescribed by or under any Act of Parliament;

(b) if any circumstances arise that would cause him to be disqualified for appointment under sub section (5) of this section; or

(c) in such other circumstances as Parliament may prescribe.

(7) The Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the. Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.

(9) The functions of a Land Board of a Federal State shall be exercised on behalf of the Ruler and the functions of a Land Board of a District having a constitutional head shall, if the Council of the District so determine by resolution, be exercised by the Board on behalf of the constitutional head of the District.

(10) The provisions of subsection (7) and (8), of this section shall be without prejudice to the provisions of any law relating to

(a) the compulsory acquisition or taking possession of any land;

(b) mines, minerals, forests or national parks; or

(c) the tenure, use or management of land.

(11) Subject to the provisions of this section, Parliament may make provision for the tenure of office of members

and the procedure of the Land Commission or a Land Board and for regulating the Commission or a Board in the performance of its functions.

119. (1) If the Government of Uganda is satisfied that land in the Kingdom of Buganda is needed for the purposes of the Government of Uganda that Government may, subject to the provisions of subsection (2) of this section, require the Kabaka's Government

(a) if the land is vested in the Land Board of the Kingdom, to cause the Board to vest the land in the Land Commission or such other authority as may be specified by the Government of Uganda;

(b) if the land is not vested in the Land Board of the Kingdom, to cause it to be acquired by agreement or compulsorily and to be vested in 84 the Land Commission or such other authority as may be specified by the Government of Uganda, and it shall then be the duty of the Kabaka's Government to comply with that requirement.

(2) Where land is needed by the Government of Uganda for a purpose other than a public purpose as referred to in the Land Acquisition Act, 1894(a),, as in force at the commencement of this Constitution, a requirement shall not be made unless the President has, after consultation with the Kabaka's Government, appointed an impartial person or persons recommended by the Judicial Service Commission

to enquire into the proposed acquisition of the land and any such person or (if more than one) a majority of those persons has reported that the acquisition will be for the general economic benefit of Uganda.

(3) Where land is acquired in accordance with paragraph (a) of subsection (1) of this section the Government of Uganda shall pay to the Kabaka's Government the amount it would be liable to pay if the land had been acquired under the law for the time being in force relating to compulsory acquisition.

(4) Where any land in the Kingdom of Buganda vested in the Land Commission, under the provisions of this section ceases to be required for the purposes of the Government of Uganda it shall revert to the Land Board of the Kingdom if the Kabaka's Government agrees to pay to the Government of Uganda an amount equal to the market value of the land.

(5) The provisions of this section shall be without prejudice to the provisions of any law relating to the compulsory taking possession of land.

120. References in this Chapter to land include references to any estate, interest or right in land.

NEXT WE LOOK AT THE EFFECT IN THE 1967 CONSITITUTION THAT TOOK AWAY THE LEGAL EFFECT OF 118A.

CHAPTER XI. PUBLIC LAND. Land Com- 108.

(1) There shall be a Land Commission for Uganda. mission.Ugna

(2) The Land Commission shall consist of not more than five members who shall be appointed by the President.

(3) The Land Commission shall hold and manage any land vested in it by this Constitution or any other law or acquired in Uganda by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(4) Subject to the provisions of this article, Parliament may make provision for the tenure of office of members and the procedure of the Land Commission and for regulating the Commission in the performance of its functions including the establishment of District Land Committees and prescribing their functions.

(5) For the purposes of clause (3) of this article, land vested in the Land Commission shall include,

(a) every official established will done so and - held by a corporation sole by Cap. 203. virtue of the provisions of the Official Estates Act;

(b) any land which immediately before the commencement of this Constitution is vested in the Land Board of a Kingdom or a District, and accordingly all rights, interests

and other estates in any such land shall vest in the Land Commission and any moneys accruing from the land so vested under paragraph

(a) of this clause shall be paid to such authority as Parliament may prescribe. 109. References in this Chapter to land include references Interpretation any estate, interest or right in land.

CHAPTER XII.

GENERAL AND MISCELLANEOUS. 110.

110. Kampala shall be the capital of Uganda.

111. The official language of the Government of Uganda Official shall be English.

112. (1) Any Commission established by this Constitution of may, with the consent of the President or such other Minister as may be authorized in that behalf, by regulation or otherwise, regulate its own procedure or confer power or impose duties on any officer or authority of the Government of Uganda for the purpose of discharging its functions.

(2) Any decision of any Commission established by this Constitution shall require the concurrence of a majority of all the members thereof and, subject as aforesaid, the Commission may act notwithstanding the absence of any

member or, in the case of the Judicial Service Commission, any vacancy in the office of any appointed member.

(3) This article shall be subject to the provisions of this Constitution.

113. (1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected:

Provided that in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the President, and in the case of a member of the Assembly his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect in accordance with the terms upon which he was appointed or if there-are no such terms, when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

(3) References in this article to an office do not include a reference to the office of the President.

(4) For the avoidance of doubts it is hereby declared that any office established before the coming into force of this

Constitution which is inconsistent with any provision of this Constitution shall, on the coming into force of this Constitution be abolished.

(5) For the purposes of -clause (1) of this article, the expression "office" includes a public office and the offices excluded by clause (3) of article 130 other than the office of the President, from references to an office in the public service.

114. (1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed appoint- or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this clause, then, for the purposes of any function conferred upon the holder of that office, .the person last appointed shall be deemed to be the sole holder of that office.

(3) References in this article to an office do not include a reference to the office of the President or the Vice-President.

115. (1) Subject to the provisions of this article, the operation of the existing law after the commencement of this Constitution shall not be affected by such commencement, but the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

(2) Unless the context otherwise requires, reference in the existing law to,

(a) the Kingdoms of Ankole, Bunyoro and Toro shall be construed as references to the corresponding Districts; and

(b) the Kingdom of Buganda shall be construed as references to the Districts of East Mengo, Masaka, Mubende and West Mengo.

(3) The President may, by statutory instrument made at any time before the expiration of twelve months from the date of the commencement of this Constitution, make such amendments to the existing law as may appear to him to be necessary or expedient for bringing it into conformity with this Constitution or otherwise for giving effect or

enabling effect to be given to any changes effected by this Constitution.

(4) Where the President makes an instrument under the provisions of the immediately preceding clause in relation to an Act of the Common Services Organization or the former High Commission, that instrument shall have effect so as to amend that Act in and in relation to any person or matter in or connected with Uganda, notwithstanding any provision to the contrary in the Interpretation Act.

(5) Where any matter that falls to be prescribed or otherwise provided for under this Constitution by Parliament or by any other person or authority is prescribed or provided for by or under an existing law, including any amendment to any such law made under this article, or is otherwise prescribed or provided for immediately before the commencement of this Constitution by or under the Constitution as then in force, that prescription or provision shall, as from the commencement of this Constitution, have effect as if it had been made under this Constitution by Parliament or, as the case may be, by the other authority or person.

(6) Any reference in the existing law to a provision in the Constitution which came into force on the 15th day of April, 1966, shall be construed as a reference to the corresponding provision of this Constitution; and where

there is any conflict the provisions of this Constitution shall prevail.

(7) For the purposes of this article, the expression "existing law" means the written and unwritten law of Uganda or of any part thereof as it existed immediately before the coming into force of this Constitution, including any Act of Parliament or statutory instrument enacted or made before that date which is to come into force on or after that date.

.....

118. (1) The institution of King or Ruler of a Kingdom , or Constitutional Head of a District, by whatever name called, etc. existing immediately before the commencement of this Constitution under the law then in force, is hereby abolished.

(2) Notwithstanding any provision of this Constitution, the immediately preceding clause shall have effect from 24th May, 1966, in relation to the Kingdom of Buganda.

(3) Parliament may make provision for the payment of a pension, gratuity or other allowances to any of the persons to whom clause (1) of this article applies and to such of their dependants as Parliament may prescribe.

(4) Notwithstanding any provision of this Constitution, Parliament may make provision for the devolution of any

property held by any person to whom clause (1) of this article applies by virtue of his office or by any other person or authority, being property connected with or attaching to the institution of King, Ruler or Constitutional Head.

(5) No action may be instituted in any court of law in respect of any matter or claim by any person under this article or under any provision made by Parliament pursuant thereto.

119. (1) Where any matter or thing has been commenced Pending before the coming into force of this Constitution by any matter. person or authority having power in that behalf under existing law, that matter or thing may be carried on and completed by the person or authority having power in that behalf on or after such commencement and, unless the President in any case otherwise directs it shall not be necessary for the latter person or authority to commence such matter or thing de novo.

(2) This article shall have effect subject to the provisions of this Constitution and to any provision made by Parliament.

120. (1) All property, both movable and immovable, and Succession all assets which immediately before the commencement of to property. this Constitution were vested in any authority or person for the purposes of or in

right of the Government of Uganda or in the Government of Uganda shall, on the commencement of this Constitution, vest in the Government of Uganda, subject to the provisions of Chapter XI of this Constitution.

(2) Any property which was immediately before the commencement of this Constitution liable to escheat or be forfeited to any person or authority in right of the Government of Uganda shall on such commencement be liable to escheat or be forfeited to the Government of Uganda.

(3) Where immediately before the commencement of this Constitution any person held any property or assets in trust for the President for the purposes or in the right of the Government of Uganda, that person shall from the commencement of this Constitution hold such property or assets on the like trust for the Government of Uganda.

121. Where there is subsisting immediately before the commencement of this Constitution a contract which has been entered into by or on behalf of the Uganda Protectorate, Uganda, the Governor of the Uganda Protectorate, the Governor-General of Uganda or the Government of Uganda, then on and after such commencement all rights, liabilities and obligations of the Uganda Protectorate, Uganda, the Governor of the Uganda Protectorate, the Governor-General of Uganda or the

Government of Uganda under the contract shall be vested in the Government of Uganda and the contract shall otherwise continue to be of full force and effect.

122. Subject to the provisions of articles 120 and 121, other rights, etc.

(a) any rights, prerogatives, powers, privileges or functions which were vested in the Crown in respect of Uganda under the law as it existed immediately before 9th October, 1963, and were exercisable by Her Majesty the Queen personally shall vest in the President who, subject to the provisions of this Constitution, shall have the power to do all things necessary for the exercise or performance thereof;

(b) all other rights, prerogatives, powers, privileges or functions which were vested in the Crown in respect of Uganda under the law as it existed immediately before 9th October, 1963, shall vest in the Republic of Uganda.

…….

126. (1) Subject to the provisions of this article, the continuance in force of the system of mailo land tenure in the Districts of Bunyoro, East Mengo, Masaka, Mubende and West Mengo, immediately before the commencement of this Constitution, shall not be affected by such commencement.

(2) The entire property in and control of all minerals and mineral ores in, under or upon, any lands or waters in any mailo land shall be vested in the Government of Uganda.
(3) For the purposes of this article, the expression "mineral" includes,

(a) metalliferous ores and other substances in their natural state which are obtainable only by mining or in the course of prospecting operations;

(b) metalliferous ores and other substances in their natural state mined or obtained in the course of prospecting operations;

c) the valuable parts of such ores or other substances when unmanufactured; and

(d) the product of treating or dressing such ores or such other substances for marketing or export.

(4) For the purposes of the immediately preceding clause it is hereby declared that the expression "mineral" shall not include clay, murram, sand, or any stone commonly used for building or similar purposes.

(5) Parliament may make provision for regulating the estates and interests in and the transfer of mailo land.(Source 1967;Consititution)

Up to this point we note that the 1967 constitution only killed the kingdom authority that was given by the 1962

constitution over the public Mailo land and consolidated it under the management of the authority concerned and subsequently the authority transferred such interest to the Uganda Land Commission.

So in the case before us, we are laboring to adduce information that will prove the illegality or the legality of the titles issued by the Buganda Land Board over private mailo land. It's been our duty to consolidate the information that at the end of the day will be used as a reason for deciding the legitimacy of such titles. In order to do this we then have to refer to the Ugandan Law precedents.

Section 29 (5) of the land Act, 1998 (as amended) which provides that;

"…..any person who has purchased or otherwise acquired the interest of the person qualified to be a bonafide occupant under this section shall be taken to be a bonafide occupant for the purposes of this act."

Reference will also be made to the case of Godfrey Ojwang vs Wilson Bgonza CA NO. 25 of 2002 where , Byamugisha J stated that:

"in order for the appellant to claim interest in the land, his title ought to be derived from someone who had a recognized right and title on the land….."

Under S. 101 (2) of the Evidence Act, when a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person. In this case, the burden of proof of the author's interest in the land in dispute lies on the authors and this has been the reason why the following history of Ugandan laws have been brought to the notice of the reader to understand the history.

The relevant provisions of the law are Sections 29 (1) (b) and (c) of the Land Act, whereby a lawful occupant is defined as :

- A person occupying land by virtue of the repealed.
- Busuulu and Envujjo Law of 1928.
- Toro Landlord and Tenant Law of 1937;
- Ankole Land Lord and Tenant Law of 1937.
- A person who entered the land with the consent of the registered owner, and includes a purchaser or.
- A person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.

After having looked at the legal qualifications of bonafide in Uganda, we will recognize that the Buganda Land Board

has no law where it can lean to claim bonna fide ownership of private mailo land so far because the wisdom under which it was formed was on the leaning of managing Public Mailo Land for and on behalf of the Kingdom and not any other. From the 1961 Buganda agreement, we also need to quote the extract below from it for your consideration.

Article 238 (1) and (2) of the constitution of Uganda, 1995 and Section 46 (1) & (2) of the land Act establishes the Uganda Land Commission.

The functions of the Commission are provided for under Article 239 of the constitution and Section 49 thus:

- To hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution.
- To procure Certificates of title for any land vested in or acquired by the government.
- To perform such other functions as may be prescribed by or under this Act or any other enactment.

Under Section 53 of the Land Act, the commission has powers, among others, to sell, lease or otherwise deal with the land held by it, cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents and do such other things as may be necessary for

or incidental to the exercise of those powers and the performance of those functions.

The same duties are also the ones that Buganda Land Board should adhere to but we should note that since these powers are derived from the 1961 Buganda Agreement, we should also take note of the extracts below.

Extract from the 1961 Buganda Agreement

Effect 6 of paragraph 19 of the 1961 Buganda agreement states that," The transfer of land to the Buganda Land Board in pursuance of this article shall not affect the obligations and rights of existing leeses and licensees or other guarantees".

This implies that the land that had been subject to qualifications of other tenures that was given status prior to the establishment of the 1961 Buganda Agreement do not fall under the domain of the Uganda Land Commission and the Buganda Land Board. For avoidance of doubt this includes land that fall under the following laws.

- Busuulu and Envujjo Law of 1928.
- Toro Landlord and Tenant Law of 1937;
- Ankole Land Lord and Tenant Law of 1937.

- A person who entered the land with the consent of the registered owner, and includes a purchaser or.
- A person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.
- All leases and grants that where issued on private mailo land for titles which qualify under section 7 and 8 of the Registration Titles Act , Cap 230 first issued in 1924.

Now that we have realized that the laws made in 1961(Buganda Agreement), The 1962 Constitution, The 1967 Constitution left the mailo lands of private nature intact, we will then up to this point opine that the Buganda Land Board has no mandate over private mailo land.

Similarly we have also noted that the Buganda Land Board is supposed to be under the mandate of both the Uganda Government and the Buganda Kingdom and therefore qualifies to be treated for accounting purposes as any parastatal is done in Uganda.

By law Buganda Land Board is supposed to be an agency that works for and on behalf of the kingdom of Buganda and the Uganda Government. To avoid confusion we will then consider the laws that where provided by for during the past times to given such arrangements for everyone to know. Please share with me below.

Extracts From

THE CONSTITUTION OF UGANDA, 1967

115. (1) Subject to the provisions of this article, the operation of the existing law after the commencement of this Constitution shall not be affected by such commencement but the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

(2) Unless the context otherwise requires, reference in the existing law to,

(a) the Kingdoms of Ankole, Bunyoro and Toro shall be construed as references to the corresponding Districts; and

(b) the Kingdom of Buganda shall be construed as references to the Districts of East Mengo, Masaka, Mubende and West Mengo.

(3) The President may, by statutory instrument made at any time before the expiration of twelve months from the date of the commencement of this Constitution, make such amendments to the existing law as may appear to him to be necessary or expedient for bringing it into conformity with this Constitution or otherwise for giving effect or enabling effect to be given to any changes effected by this Constitution.

(4) Where the President makes an instrument under the provisions of the immediately preceding clause in relation to an Act of the Common Services Organization or the former High Commission, that instrument shall have effect so as to amend that Act in and in relation to any person or matter in or connected with Uganda, notwithstanding any provision to the contrary in the interpretation Act.

(5) Where any matter that fails to be prescribed or otherwise provided for under this Constitution by Parliament or by any other person or authority is prescribed or provided for by or under an existing law, including any amendment to any such law made under this article, or is otherwise prescribed or provided for immediately before the commencement of this Constitution by or under the Constitution as then in force, that prescription or provision shall, as from the commencement of this Constitution, have affect as if it had been made

under this Constitution by Parliament or, as the case may be, by the other authority or person.

(6) Any reference in the existing law to a provision in the Constitution which came into force on the 15th day of April 1966, shall be construed as a reference to the corresponding provision of this Constitution; and where there is any conflict the provisions of this Constitution shall prevail.

(7) For the purposes of this article, the expression "existing law" means the written and unwritten law of Uganda or of any part thereof as it existed immediately before the coming into force of this Constitution, including any Act of Parliament or statutory instrument enacted or made before that date which is to come into force on or after that date.

116. (1) Subject to the provisions of this article, every person who immediately before the commencement of this Constitution held or was acting in any office established by or in pursuance of the Constitution as then in force, so far as is consistent with the provisions of this Constitution shall be deemed to have been appointed as from the commencement of this Constitution to hold or to act in the equivalent, office under this Constitution.

Provided that any person who before the Commencement of this Constitution would have been required under the

Constitution as then in force or any existing law to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or on the attainment of that age.

(2) The provisions of this article shall be without prejudice to any powers conferred by or under this Constitution or any other law upon any person or authority to make provision for the abolition of office, for the removal from office of persons holding or acting in any office and for requiring persons to retire from office.

(3) In determining, for the purpose of any law relating to retiring benefits or otherwise to length of service, the length of service of a public officer to whom clause (1) of this article applies, service as a public officer under the Government which terminates immediately before the commencement of this Constitution shall be deemed to be continuous with service as a public officer which begins immediately on such commencement.

117. Notwithstanding any provision of this Constitution, every person who immediately before the commencement of this Constitution held or was acting in any office established by or in pursuance of the Constitution as then in force and who holds or is acting in an equivalent office under this Constitution, shall be deemed to have taken and

subscribed any necessary oath under this Constitution in accordance therewith.

118. (1) The institution of King or Ruler of a Kingdom or Constitutional Head of a District, by whatever name called, existing immediately before the commencement of this Constitution under the law then in force, is hereby abolished.

(2) Notwithstanding any provision of this Constitution, the immediately preceding clause shall have effect from 24th May, 1966, in relation to the Kingdom of Buganda.

(3) Parliament may make provision for the payment of a pension, gratuity or other allowances to any of the persons to whom clause (1) of this article applies and to such of their dependants as Parliament may prescribe.

(4) Notwithstanding any provision of this Constitution, Parliament may make provision for the devolution of any property held by any person to whom clause (1) of this article applies by virtue of his office or by any other person or authority, being property connected with or attaching to the institution of King, Ruler or Constitutional Head.

(5) No action may be instituted in any Court of law in respect of any matter or claim by any person under this article or under any provision made by Parliament pursuant thereto.

SCHEDULE 9 TO THE CONSTITUTION OF UGANDA.(1962)

<u>Agreement Between The Uganda And Buganda Government Delegations On The Financial Relationships Between The Government Of Uganda And The Kabaka's Government.</u>

1. The Delegations of the Central and Kabaka's Governments have agreed that Buganda's financial requirements, in addition to her independent sources of revenue (including graduated tax), and calculated on lines similar to the figures for local authorities block grants, should be provided as follows: -

(a) fifty per cent by assignment of certain revenues raised in Buganda (with minimum yield guaranteed)--it is intended that these should be from petrol and diesel duty and the items mentioned in paragraph 3 below; and

(b) fifty per cent by an annual statutory contribution from general revenue (not to be reduced without consultation with the Kabaka's Government).

2. At intervals of from three to five years there will be a review of these arrangements, not only to consider the rate of annual statutory contribution but also to consider- in the light of actual yields-whether there should be any change in the revenues selected for assignment.

3. Revenue from stamp duty on mailo transfers and from licenses on powered two-wheeled vehicles will be included in the assignments above'. As to the other recommendations in paragraph 67 of the Fiscal Commission's report, it is now agreed that the Kabaka's Government should be able to levy entertainment tax on entertainments for which it is the licensing authority. The Buganda Delegation, however, reject the proposal that Buganda should raise revenue from the licensing of unpowered bicycles or unmanufactured "black" tobacco.

4. Additional sums which may be required in respect of further services for which the Kabaka's Government assumes financial responsibility will be made available by increasing the amount of the statutory contribution.

5. As, in accordance with its own wishes, the Kabaka's Government is excluded from the local authorities grant structure, it will not be eligible for deficiency or "catching up" grants, nor for grants to assist with the cost of salary increment.

THE FINANCES RELATING TO THE LAND THAT ARE SUPPOSED TO BE PAID TO THE BUGANDA GOVERNMENT ARE INCLUDED IN THE 1900 BUGANDA AGREEMENT AND THE EXTRACTS FOR THE SAME FROM THAT AGREEMENT HAVE BEEN PUT HEREUNDER.

10 To assist the Kabaka of Uganda in the government of his people he shall be allowed to appoint three native Officers of State, with the sanction and approval of Her Majesty's representative in Uganda (without whose sanction such appointments shall not be valid)-a Prime Minister, otherwise known as Katikiro; a Chief Justice; and a Treasurer or Controller of the Kabaka's revenues. These officials shall be paid at the rate of £300 a year. Their salaries shall be guaranteed them by Her Majesty's Government from out of the funds of the Uganda Protectorate. During the minority of the Kabaka these three officials shall be constituted the Regents, and when acting in that capacity shall receive salary at the rate of £400 a year. Her Majesty's chief representative in Uganda shall at any time have direct access to the Kabaka, and shall have the power of discussing matters affecting Uganda with the Kabaka alone or, during his minority, with the Regents, but ordinarily the three officials above designated will transact most of the Kabaka's business with the Uganda Administration. The Katikiro shall be *ex officio* the President of the Lukiko, or native council; the Vice-President of the Lukiko shall be the native Minister of Justice for the time being; in the absence of both Prime Minister and Minister of Justice, the Treasurer of the Kabaka's revenues, or third minister, shall preside over the meetings of the Lukiko.

18 In return for the cession to Her Majesty's Government of the right of control over 10,550 square miles of waste, cultivated, uncultivated, or forest lands, there shall be paid by Her Majesty's Government in trust for the Kabaka (upon his attaining his majority) a sum of £500, and to the three Regents collectively, £600, namely, to the Katikiro £300, and the other two Regents £150 each. (This money should be paid by the central government to the Buganda Kingdom. It was last paid in the 1930s and Uganda Government is in arrears of all those years to date.)

After having been privy to some of the financial rules we will then have to find out the duties of the Buganda Land Board to the Buganda Kingdom,

DUTIES OF THE BUGANDA LAND BOARD

Prior to looking at the Duties we need to look at the laws that are supposed to govern the commission and its membership.

Membership of the commission.

Since the Uganda Land Commission has the same mandate as the Buganda Kingdom, there laws of governance are the same.

The commission shall consist of a chairperson and not less than four other members appointed by the President with the approval of Parliament.

A person shall not qualify for appointment as a member of the commission unless the person—

1. is of or above the age of twenty-one years; is of sound mind;
2. is of high moral character and proven integrity;
3. has not been convicted of an offence involving moral turpitude; or
4. has not been declared bankrupt.
5. At least two of the members referred to in subsection (1) shall be persons with qualifications and experience in matters related to land.
6. At least one of the members referred to in subsection (1) shall be a woman.

A person holding office as a Member of Parliament or a member of a local government council shall relinquish the office upon appointment as a member of the commission in accordance with article 238 of the Constitution.

Tenure of office.

(1) The members of the commission shall hold office for a period of

five years and shall be eligible for reappointment for a further one term.

(2) A member of the commission may be removed from office by the President only for—

inability to perform the functions of his or her office arising from infirmity of body or mind; misbehavior or misconduct; or incompetence.

FUNCTIONS OF THE BUGANDA LAND BOARD AS PER THE LAW.

The functions of the commission shall be to—

- hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution;
- where applicable, hold and manage any land acquired by the Government abroad, except that the commission may delegate the management of such land to Uganda's missions abroad;
- procure certificates of title for any land vested in or acquired by the Government;
- perform such other functions as may be prescribed by or under this Act or any other enactment.

SECRETARY AND OTHER OFFICERS OF THE COMMISSION.

1. There shall be a secretary to the commission who shall be a public officer appointed by the President on the advice of the Public Service Commission upon such terms and conditions as may be specified in the letter of appointment.
2. The secretary shall be a person with knowledge and experience in matters related to land.
3. The secretary shall not be a member of the commission but shall conduct the correspondence of the commission, keep records and perform such other functions as the commission may direct.
4. The secretary shall keep custody of the seal of the commission.
5. The commission shall have such other officers and employees as may be necessary for the discharge of its functions, and those officers or employees shall be appointed by the Public Service Commission on such terms and conditions as may be specified in their letters of appointment.

Meetings of the commission.

The chairperson shall preside at all meetings of the commission and shall, in addition to his or her deliberative vote, have a casting vote.

Where the chairperson is absent from any meeting of the commission, the members present shall elect one of their number to preside; and the member so elected shall have the powers and perform the functions of the chairperson.

The commission shall meet for the discharge of its functions under this Act at least once in every two months at such place and time as the chairperson shall appoint.

The quorum at any meeting of the commission shall be three, and any decision of the commission shall be by consensus; but if there is no consensus it shall be by the majority of members present and voting.

Subject to the Land Act, the commission may regulate its own procedure.

Authentication of common seal, etc.

The common seal of the commission shall be authenticated by the signature of the chairperson or of some other member authorized by the commission in writing, and the signature of the secretary.

Any order or decision of the commission shall be in writing and signed by—

1. the chairperson; or
2. any other member duly authorised by it in writing; and
3. the secretary. Any instrument or contract, other than an instrument which does not require being under seal, may be entering into and executing on behalf of the commission by any member or agent duly authorized in writing by the commission for the purpose.

Any document presented in evidence as—

I. an instrument executed or issued by the commission and sealed with the common seal of the commission and authenticated in the manner prescribed in subsection (1);

II. an order or decision of the commission and signed in the manner prescribed in subsection (2); or

III. an instrument or contract of the kind referred to in subsection (3) and entered into and executed on behalf of the commission in the manner prescribed in that subsection, shall be received in evidence and be presumed to be so executed, so signified and entered into on behalf of the commission without further proof unless the contrary is shown

Powers of the commission and the Buganda Land Board as well.

For the purpose of performing its functions under the Constitution and this Act, the commission may—

1. acquire by purchase or exchange or otherwise hold land rights, easements or interests in land;
2. erect, alter, enlarge, improve or demolish any building or other erection on any land held by it;
3. sell, lease or otherwise deal with the land held by it;
4. cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents; and
5. do such other things as may be necessary for or incidental to the exercise of those powers and the performance of those functions.

Salaries and expenses of the commission and the Buganda Land Board as well.

The members of the commission shall be paid such salaries and allowances as may be specified in their letters of appointment, and the salaries and allowances shall be charged on the Consolidated Fund.

All expenses incurred by or on behalf of the commission in connection with or incidental to the performance of its

functions under this Act shall be paid for out of funds appropriated by Parliament.

Commission to conform to Government policy.

(1) In the performance of its functions under the Constitution and this Act, the commission shall conform to the policy of the Government in relation to land matters.
(2) Subject to the Constitution, the Minister may, without prejudice to any other powers he or she may have under this Act, give to the commission such policy directions as are necessary to ensure compliance with subsection (1), and the commission shall give effect to the directions.

These are the laws that are supposed to govern the management of the Buganda Land Board.

But we need to remember as emphasized by the 1961, Buganda Agreement, the Buganda Land Board will be a body corporate registered under the laws of Uganda. This automatically implies that the Buganda Land Board is supposed to comply with the Company Laws of Uganda, the Combined Code of Corporate Governance, the Public Service Management and Finance Act, The International Financial Reporting standards, The International Auditing Standards, the laws of Agency among others.

BUGANDA LAND BOARD LIMITED AS AN AGENT OF THE BUGANDA KINGDOM AND THE UGANDA GOVERNMENT

RESPONSIBILITIES

An agency is the creation of a contract entered into by mutual consent between a principal and an agent. By agency, a principal grants authority to an agent to act on behalf of and under the control of the principal. The relation between a principal and an agent is fiduciary and an agent's actions bind the principal[.(*Andrews v. Schram*, 562 N.W.2d 50 (Neb. 1997) The law of agency thus governs the legal relationship in which an agent deals with a third party for his/her principal.

An agent owes certain duties towards his/her principal and a principal owes certain duties towards his/her agent. The scope of an agent's duty to the principal is determined by:

1. the terms of the agreement between the parties (*E. S. Harper Co. v. General Ins. Co.*, 91 Idaho 767, 771 (Idaho 1967); *Garl v. Mihuta*, 50 Ohio App. 2d 142 (Ohio Ct. App., Lorain County 1975); and
2. Extent of the authority conferred and the obligations of loyalty to the interests of the principal.

An agent's primary duties are:

1. act on behalf of and be subject to the control of the principal;
2. act within the scope of authority or power delegated by the principal;

3. discharge his/her duties with appropriate care and diligence; and
4. avoid conflict between his/her personal interests

Other duties of an agent include:

Not to acquire any material benefit from a third party in connection with transactions conducted or through the use of his/her positions as an agent;

to act with the care, competence, and diligence normally exercised by agents in similar circumstances.

to take action only within the scope of the his/her actual authority;

to comply with all lawful instructions received from the principal and persons designated by the principal concerning agent's actions on behalf of the principal;

to act reasonably and to refrain from conduct that is likely to damage the principal's enterprise;

An agent is liable to a principal when he/she acts without actual authority, but with apparent authority. An agent is liable to indemnify a principal for loss or damage resulting from his/her act.

A principal owes certain contractual duties to his/her agent. Correlative with the duties of an agent to serve a

principal loyally and obediently, a principal's primary duties to his/her agent include:

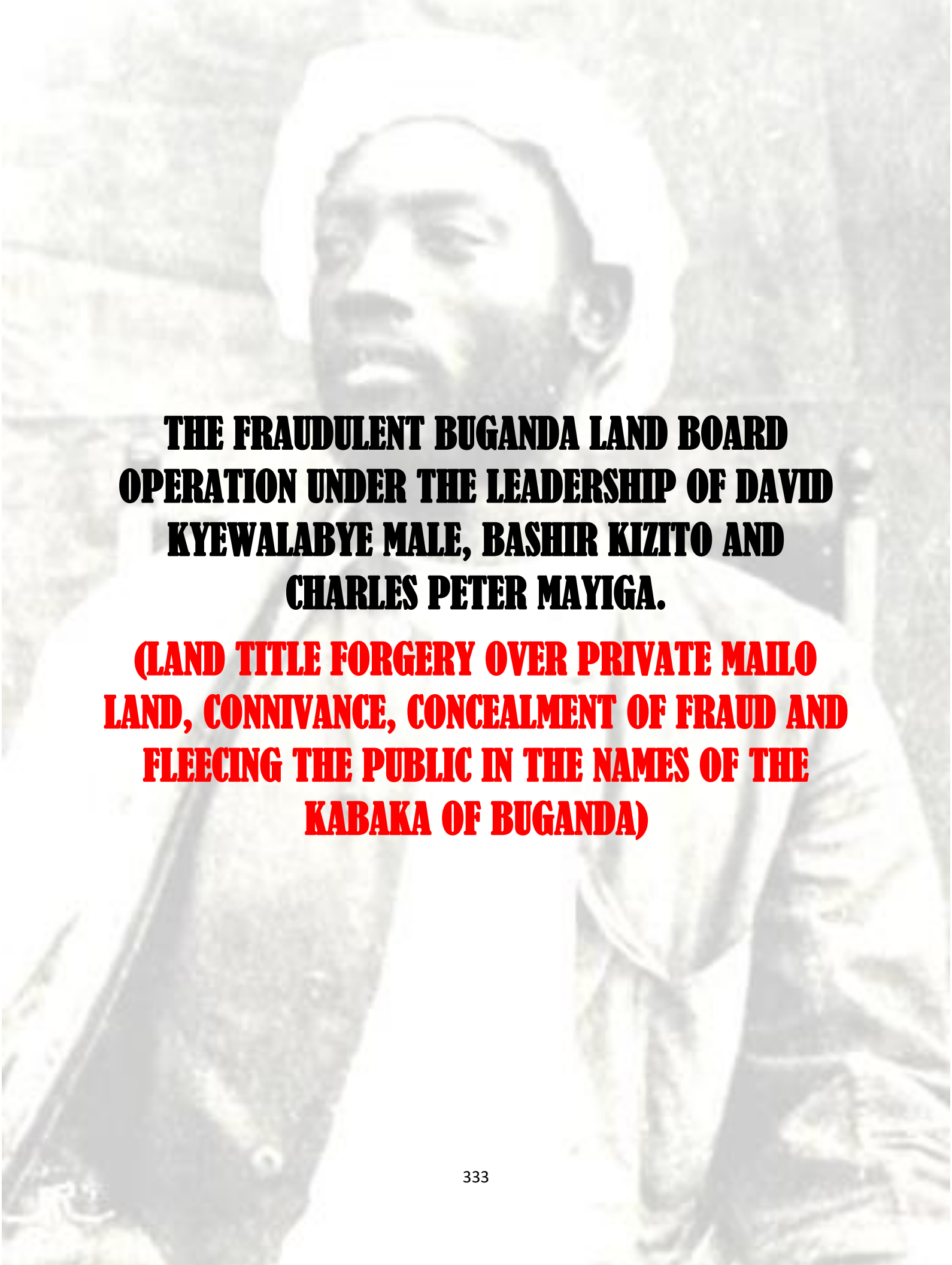
- To compensate the agent as agreed; and
- To indemnify and protect the agent against claims, liabilities, and expenses incurred in discharging the duties assigned by the principal.*(Western Smelting & Refining Co. v. First Nat'l Bank,* 35 N.W.2d 116 (Neb. 1948).

Because of the fiduciary relationship, a principal owes his/her agent a duty of good faith and fair dealing *Lawrence Warehouse Co. v. Twohig,* 224 F.2d 493 (8th Cir. Iowa 1955).However, a principal can be relieved of contractual obligations by an agent's prior breach of contract. A principal has a duty to act in accordance with the express and implied terms of any contract between a principal and an agent.

When an agent acts within the scope of actual authority, the principal is liable to indemnify the agent for payments made during the course of the relationship irrespective of whether the expenditure was expressly authorized or merely necessary in promoting the principal's business.

After having obtained the obligations of the agent to the Principle. We will in this case vide the presents we did see previously that the Buganda Land Board is an agency of

the Buganda Government and the Uganda Government and its rules of performance are similar to that of Uganda Land Commission which is a government parastatal.((The Republic Of Uganda, In The High Court Of Uganda At Kampala,Land Division,Misc. Cause No. 622 Of 2013,(Arising From Civil Suit No. 244 Of 2013) Buganda Land Board,Applicant Versus John Wampamba, Respondent) IN WHICH THE LEARNED LORD JUSTICE EVA K. LUSWATA ,20/02/2014 STATED THAT, "…….Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs. I so order. "



THE FRAUDULENT BUGANDA LAND BOARD OPERATION UNDER THE LEADERSHIP OF DAVID KYEWALABYE MALE, BASHIR KIZITO AND CHARLES PETER MAYIGA.

(LAND TITLE FORGERY OVER PRIVATE MAILO LAND, CONNIVANCE, CONCEALMENT OF FRAUD AND FLEECING THE PUBLIC IN THE NAMES OF THE KABAKA OF BUGANDA)

QUESTION

IS THE BUGANDA LAND BOARD CARRYING OUT ITS LEGAL MANDATE AS PER THE REQUIREMENTS OF THE UGANDAN LAW?

IF NOT WHY NOT?

Before we can answer the above questions we will need to look at the laws that the Buganda Land Board existing uses to give it the mandate.

BLB is a legal entity that acts as an administrative arm of the Buganda kingdom, which I believe, is a legal entity recognized by the Ugandan Constitution. It is the equivalent of a department or section in a private Company. BLB is agent of Buganda Kingdom and its powers and privileges are limited to the extent that the rights and privileges of the Buganda Kingdom are described in the Uganda Constitution. BLB has no jurisdiction over land in Uganda or any other matter over land outside of those lands designated as property of the Buganda Kingdom. 4. BLB has no locus standing over national land issues, except only to the extent to which it is permitted to do so either by delegated legislation or where it is in conformity with its duties and responsibilities as the agent of the Buganda Kingdom.BLB can sue or be sued in its capacity as agent of the Buganda Kingdom.BLB is mandated to obey national laws regarding ownership, transfer and regulation

of land. It must not breach any rights, obligations or privileges granted to it by statutory land Laws.BLB is subject to both the civil and criminal jurisdiction of the laws of Uganda.

But we also need to understand prior to going forward that," A suit instituted for or against a non-existent person is bad in law. This is an error that goes to the root of the claim and substitution of such a party with a real or corporate person cannot be permitted in law." So upto this point there is need to find out the legality of the existing Buganda Land Board Limited to see whether it fits within the mandate of the laws that dictate the formation of the legitimate Buganda Land Board. This information can be obtained from the Registrar of Companies of Uganda.

The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings.(THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA,LAND DIVISION,MISC. CAUSE NO. 622 OF 2013 (ARISING FROM CIVIL SUIT NO. 244 OF 2013)BUGANDA LAND BOARD,APPLICANT VERSUS JOHN WAMPAMBA,RESPONDENT).

Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs.

THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA LAND DIVISION,MISC. CAUSE NO. 622 OF 2013, (ARISING FROM CIVIL SUIT NO. 244 OF 2013),BUGANDA LAND BOARD……(APPLICANT)JOHN WAMPAMBA…… (RESPONDENT).

FOR THE BENEFIT OF THE READER, THE BUGANDA LAND BOARD DOES NOT EXIST AS ADDUCED FROM THE LAWS BELOW.

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

LAND DIVISION

MISC. CAUSE NO. 622 OF 2013

(ARISING FROM CIVIL SUIT NO. 244 OF 2013)

BUGANDA LAND BOARD……

APPLICANT

VERSUS

JOHN WAMPAMBA……

RESPONDENT

RULING

BEFORE HONOURABLE LADY JUSTICE EVA K. LUSWATA

This application was brought by chamber summons under Order 7 rule 11 and 19 of the Civil Procedure Rules SI 71-1 and Section 98 CPA for orders that the plaintiff's plaint be rejected and struck out for suing a non-existent party and for being misconceived, incompetent, frivolous and vexatious, bad in law as it does not disclose a cause of action and costs of the application.

The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states *interalia* that:-

1. The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.

2. The applicant is a non-existing person with no capacity to sue and or be sued.

3. The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.

4. The respondent/plaintiff has no cause of action, or at all, against the applicant.

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his

counsels' absence. The applicant applied to have the application to proceed *exparte* under Order 9 rule 20(1) CPR which was granted by this court.

Counsel for the applicant submitted that in paragraph 2 of the plaint, the applicant was referred to by the plaintiff/ respondent as a body corporate capable of being sued. With such averment in the plaint, the burden of proof shifted to the plaintiff to prove the proper capacity of the defendant to sue and to be sued. Section 101 of the Evidence Act Cap 6 puts the burden of proof of a fact on the one who asserts that fact. That the plaintiff in this case has to discharge this burden to the required standard. It was also argued that the applicant in paragraph 2 of the Written Statement of Defence clearly averred that it filed the Written Statement of Defence in protest as it is not aware of its legal existence but nevertheless, it was served with court process.It was contended that, the applicant has no legal capacity to sue or be sued in its name and the respondent has failed to discharge this burden since he has not opposed the application by filing an affidavit in reply.

Counsel further submitted that a suit in a name of a non-existing plaintiff or defendant is bad in law and the same ought to be rejected by court. Counsel relied on the case of Fort Hall Bakery Supply Co. Vs. Fredrick Muigai Wangoe [1959]1 EA 474. That such a suit against a non-

existent party cannot be amended to replace a party that has legal existence since there is no plaint at all. On this principle, counsel relied on the cases of Trustees of Rubaga Miracle Centre Vs. Mulangira Simbwa HCMA No. 516 of 2005 and Auto Garage vs. Motokov [1971] EA 514. A suit against a non-existent party is misconceived, incompetent and frivolous and the same ought to be dismissed, see also Justice Yorokamu Bamwine in Bagamugunda Vincent vs. UEB (in liquidation) HCCS No. 400 of 2007.

It is trite that where facts are sworn in an affidavit and the other party does not file an affidavit in rebuttal, the facts therein are presumed to have been accepted by the other party. It was held in the case of Samwiri Massa Vs. Rose Achen [1978] HCB 297 that where certain facts are sworn in an affidavit, the burden to deny them is on the other party and if he or she does not, they are presumed to have been accepted and the deponent need not raise them again. If they are disputed then he has to defend them. In the instant case, the applicant swore an affidavit stating that it is not a body corporate. However the respondent who was alleging so(by effect of his pleadings) did no present dispute that fact as sworn by the applicant.

I have read and agree fully with the authorities relied on by the applicant. A suit instituted for or against a non-

existent person is bad in law. This is an error that goes to the root of the claim and substitution of such a party with a real or corporate person cannot be permitted in law.

No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can

neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs.

I so order.

EVA K. LUSWATA

JUDGE

20/02/2014.

Now for those who would agree with me, the entity that is called Buganda Land Board does not exist legally. "The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

As ruled by the learnt Lord Justice Eva K Luswata.

Up to this point we agree that the Buganda Land Board that was supposed to be established by legal mandate

actually does not exist by law vide judicial presents. Now I would want to opine that the thing existing is a private limited company which is not mandated to run under the dictates of the laws of Uganda purported by effect 247 of the laws of Uganda that is detailed as Traditional Rulers (Restitution of Assets and Properties) Act 1993 which was established to give effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or incidental to, or consequential upon, the foregoing.

In the authors opinion Traditional Rulers (Restitution of Assets and Properties) Act 1993 which was established to give effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or incidental to, or consequential upon, the foregoing was created with the purpose of creating special titles for the traditional and cultural assets as they used to be before such properties and regalia where confiscated by the Government of Uganda. This meant that the function of the Chapter 247, The Traditional Rulers (Restitution Of Assets

And Properties) Act was to create special titles for such assets as they used to be prior to the relegation of the cultural holders mandated by the Government of Uganda as mandated by the Ugandan Constitution of 1967.

Now the Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) Act was made with the purpose and spirit of returning the cultural assets and such possession therefore to the legitimate people and the only transmission line for that would have been none other than the Kabaka of Buganda or his delegates that his Government delegates as per his delegated authority.

In the wisdom of a right thinking person which will be the same opinion of the intelligent by stander, this law was formulated after the Buganda Kingdom through its head had complained that Uganda Government had not returned its public assets and those inuring to private individuals that were hosting a number of properties that Uganda Government took over vide the 1967 constitution, This in effect was similar to Certificate of Titles getting lost, existing but registered under ordinances that existed prior, grants and leases existing on private mailo land issued by private mailo owners to the Buganda Government vide Grants and similar assets .The Government of Uganda Issued Special Certificate of Titles for these properties. In my view the moment a Special Certificates of Title were issued, the duplicate Certificate which were

by a Statutory Declaration proved lost ceased to be evidence of proprietorship. Section 70 of the Registration of Titles states that the Special Certificate of Title shall be available for all purposes and uses.

"... and the Special Certificate shall be available for all purposes and uses for which the duplicate Certificate of Title so lost or destroyed or obliterated would have been available, and shall be equally valid with the duplicate Certificate of Title to all intents..."

In view of the above provisions once a Special Certificate is issued on application by the registered proprietor it shall become a replacement for the lost or destroyed Certificate of Title for ever. Even if the original duplicate Certificate of Title was to be found, it would be the registered proprietor and not anybody else to seek its reinstatement and more importantly, the Registrar of Titles would call for surrender of the Special Certificate of Title for purposes of cancellation. This was not done, and therefore the registered proprietor, holder of the Special Certificate of Title was denied opportunity to be heard in reversing the status of the Register. (This applies to titles in the names of the following people that were returned by the Government of Uganda to return to the beneficiaries but have never been returned, Prince (Omulangira) Kagolo (s/oDamaliBaila). He was k. by his uncle, Kalema, 1889.,Prince (Omulangira) Mulindwa

(s/oNabwetembe),Prince (Omulangira) Nganda (s/oLakeriMbekeka),H.H. Kabaka Sir Daudi Chwa II, Kabaka of Buganda.Prince (Omulangira) Yusufu Suna Kiwewa,Prince (Omulangira) Tobi (s/oNabisubi), Prince (Omulangira) Naume (s/oLoirosa Nakibuka),Princess (Omumbejja) Juma Katebe, Princess (Omumbejja) Anna Nambi, Nassolo (d/o Samali Namuwanga),Princess (Omumbejja) Mboni, Mariamu Kajja-Obunako. b. late 1899 (d/o Nattimba), Amina Nava. b. at Zanzibar, 1925. m. Harold Bjordal,RamadhanBjordal. Settled in Canada.ii) Sha'aban Frank Bjordal, Mboni Bjordal, Prince Henry Harold Rashid Kimera , Dorothy Nabankema, Helene Ndagire Bjordal, Mandy Namibimo Bjordal , Sylvia Christine Nantaayi Bjordal,Princess (Omumbejja) Maliam [Mary] Ma'zi Luwedde. b. (d/oDorosiMwanomu) among others.

1) *The mere fact that the Buganda Kingdom delegates were given the titles to transmit them to the legitimate owners but they did not was irregular and illegal and Courts of Law can perpetuate illegality once brought to its attention.*

Section 77 of Registration of Titles Act states:-

"Any Certificate of Title, entry, removal of encumbrance, or cancellation, in the Register Book, procured or made by fraud, shall be void as against all parties or privies to the fraud."

I need to resolve whether Buganda Kingdom and the Buganda Land Board private limited company acted fraudulently when they applied for or procured cancellation of the Special Certificate of Title which was in the hands or possession of the above registered landlords mentioned among others. To arrive at the correct decision there is need to examine the circumstantial evidence available.

In my most considered view the acts and circumstances in which Buganda Land Board and the Person of the Kabaka of Buganda got registered on the Register of the suit property was dishonest, willful perversion of the truth, a total false misrepresentation of the truth to deprive the beneficiaries of the lands in question which include Blocks 371 wakiso, Block 273 at Ndejje among others of their legal right of being the owner and registered proprietor of the suit properties. Therefore the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company's registration was illegal and fraudulent and no Court of law would uphold it or allow her to take advantage of it. Law does not permit a grantee of a Power of Attorney to derive personal benefits directly from its exercise or the discharge of personal liabilities when they are not interests of the grantor expressly provided for by law or the grant. In the instant case if the registered proprietor had intended to transfer the property in the names of the alleged

Attorney he should have done so by executing a transfer deed. The Registrar of Titles ought to have rejected this illegal transfer and any diligent search should have included investigation of the entry into the Register immediately which called for seeking of the Instruments (Transfer deed) that gave rise to registration of his/her seller. This in my view would constitute a diligent search of the Register prior to making titles in favor of Kyapa Mungalo for the claimants. In my view the validity of the sale of the suit property to the holders of Kyapa Mungalo calls for examination of the issue "Whether the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company and is a bona fide purchaser for value without Notice or holder of the land without notice can only be proved after consideration of the equity law covering bonna fide occupants for value."

Any person who puts up a defense of being a bona fide purchaser has the burden of proof to adduce evidence that establishes that he or she is actually a bona fide purchaser for value without Notice of any fraud. He must prove the following elements of this defense:-

1. *That he has a valid Title from a person registered as a proprietor.*
2. *Must have paid valuable consideration.*

3. ***Must have acted in good faith without Notice of fraud whether actual or implied.***

If you want to obtain further proof for the above presents please take a look at DAVID SEJJAKA Vs REBECCA MUSOKE. Supreme Court, Civil Appeal No. 12 of 1985.

The learned Author, L. VOUMARD Q.C. in SALE OF LAND IN VICTORIA, 2nd Edition page 402 stated:

"The duty of a purchaser or a mortgagee to investigate the Title is not a duty owing to the holder or the possible holder of a latent Title or security. It is a merely the course which a man dealing bona fide is proper and usual manner for his own interest ought by himself or his solicitor to follow that course the omission of it may be a thing requiring to account for or explained. It may be evidence of a design inconsistent with what a bona fide dealing to avoid knowledge of the true state of Title... a purchaser who knows that the property purchased is in occupation of some person other than the Vendor is affected with constructive notice of the right of the occupier but if he registers a conveyance without making further inquiries he will lose the benefit of registration only if in the circumstances of the case abstention from inquiry evidences a want of good faith."

In my view the above statement is the correct legal position which must be applied in each case and the decision should be made based on facts and circumstances of each individual case. In my view the holders of leases under this fraudulent schemes put in place by the Buganda Land Board will want to claim the above of this will be bench marked on the legal precedent decided 52 years ago in the De Souza case and recently wrongly used as a reason for deciding the controversial case of Madhivani Group Limited v Simbwa & Ors (CIVIL SUIT NO. 615 OF 2012) [2014] UGHCLD 32 (30 September 2014); Junju & Anor v Madhvani Group Ltd & Anor (CIVIL SUIT NO. 508 OF 2014) [2015] UGHCLD 52 (9 July 2015); Mukuye & 73 Ors v Madhvani Group Ltd (MISCELLANEOUS APPLICATION NO. 0821 OF 2013) [2013] UGHCLD 79 (3 October 2013); Mukuye Steven & 106 Ors v Madhivani Group Ltd (MISCELLANEOUS APPLICATION NO. 0821 OF 2013) [2013] UGHCLD 77 (24 September 2013);Pastor Kyambadde vs National Social Security Fund which was decided by the Learned Lord Judge Andrew Bashija. Based on the same wisdom the same learned Judge because of his controversial wisdom was chased out of the case of Kalumba & Anor v Kakira Sugar Works (1985) Ltd & Anor (MISCELLANEOUS APPLICATION NO. 4611 OF 2014) [2014] UGHCLD 25 (27 May 2014);in which he was about to make the same judgement from his own precedent based

on the wisdom in those prior mentioned cases by the sober Judicial Service Commission.

In the case before me, the purchasers of Kyapa Mungalo titles curved out of private mailo land will want to contend that they are bona fide purchasers for value without any Notice of fraud. That at the time of purchase the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company (the Seller) was the registered proprietor of the suit land. They will produce their forged Kyapa Mungalo curved out of mailo land in proof of this fact and submitted that the principle of law that protects him was settled in ORINDA DE SOUZA Vs KASAMALI MANJI (1962) EA at page 758. That:-

"The cardinal principle of the Statute is that the Register is everything, and that except in cases of actual fraud on the part of the person dealing with the registered proprietor has an indefeasible Title against all the world."

My view is that this principle has been further qualified by the detailed position stated by L. VOUMARD Q.C. (Supra).

In my view, the law has not been static and the duty to do due diligence in the designs of fraud requires the intending purchaser to do more than merely looking at the Certificate of Title but to investigate the validity of the Title. The mischief of fraud and elements of fraud have overtime mutated to involve the Registrars of Titles. For instance, there are cases where Instrument numbers that are used to register proprietorship have been found to be none existent or Instruments that rightly belong to other properties e.g. for caveats. This necessitates departure from what the position of the Courts in 1962, 52 years ago when the case of De SOUZA (Supra) was decided. Courts of Law have found more instructive authority in a more recent decision by the Uganda superior Court, in the case of:- SIR JOHN BAGEIRE Vs AUSI MATOVU C.A. NO. 7 OF 1996 (C.A.U.).

The Court of Appeal considered what was expected, in that case, to discharge the burden of proving the plea of being a bona fide purchaser for value without Notice and His Lordship G. M. OKELLO, J. A, (as he then was) stated:-

"It must be noted that Lands are not vegetables which are bought from unknown sellers. Lands are very valuable properties and buyers are expected to make thorough investigations not only of the land but also of the owner before purchase."

In the instant case I have considered the following factors:-

The Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company out rightly committed series of fraudulent acts:- He forged the Power of Attorney as proved by the evidence of the deeds that are attached on the deed plans that are also forged by them on the Kyapa Mungalo titles. This evidence stands unchallenged in that there is no evidence from the defense either as evidence in chief or through cross-examination of Plaintiff's witnesses on this fraud. Use of a Power of Attorney for personal benefit of alleged Attorney is illegal. The Attorney ought to have only acted for the benefit of the donor of the alleged Power of Attorney. This notwithstanding the fraud found above it is a totally illegal transfer of the suit property into the name of the holders of Kyapa Mungalo who have them curved out of mailo land that was registered under private persons in compliance with Sections 7 and 8 of the Registration of titles act and in compliance with effect 68 of the Registration of Titles act, Cap 230.

The leases issued under Kyapa Mungalo Certificate of Title have all indications that the Title deserved investigations before any purchase from her. The purchaser, the first Defendant had a duty to search for Instrument that are

held on Kyapa Mungalo and relate the same to the dictates of the Registration of Titles Act, Cap 230 effect 68, which would show that there was no valid transfer of the property from the name of Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company. They had a duty to satisfy themselves that Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company had a valid Title that complies with the Registration of Titles Act, Cap 230 effect 68,.

We know that they will present search letters as evidence for the search. Although it is a typed letter there is no evidence that it was ever received by the Registrar of Titles. Even if the search had been done, the purchaser of Kyapa Mungalo had the duty to satisfy himself that the registered person was the owner of the property being searched. (Underlined for emphasis).

The evidence of holders of KYAPA MUNGALO FORGED OVER PRIVATE MAILO LAND is that from the time they purchased and developed the suit property they have always been in occupation of the property. The purchaser had a duty to make inquiries about the occupants of the property; if he had he should have found that this property was not in the names of Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda

Land Board private limited company who was in occupation at the material time with the use of brute force using private military companies and the fraudulent Uganda Police official like Juma Musoba(Former Officer in Charge Kajjansi and now officer in charge Nsanji at the time of writing this book.) over the land on Block 269 at Mutungo which was sold by the fraudulent Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company even after having been served with a court order to that effect. A purchaser who knows or who ought to have found out that the property purchased is in the hands or occupation of some person other than the Vendor is affected with constructive notice of the right of the occupier and if he registers a conveyance without making further inquiries he will lose the benefit of registration. The abstention from inquiry evidences a want of good faith or fraudulent conveyance.

Courts of justice will not allow a person to keep an advantage which he obtained in bad faith. Fraud once pleaded and proved it vitiates judgments, contracts and all transactions whatsoever. At this point we are all satisfied that the purchaser in the instant case did not carry out diligent search when he did not inquire into the manner Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was registered on the Title, if he had he would have

questioned why he used a Power of Attorney as opposed to the formal transfer from the Plaintiff. There is no evidence that before they purchased from Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited they visited the property and confirmed with the local authorities i.e. L.C.I officials that Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was the owner of the property and had the capacity to sell it. The Local Authority and neighbours would have informed him who the owner of the property was. It is not enough to say that they found Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited in the house.

It is settled that fraud must be attributable to the transferee, in the instant case he had constructive knowledge of Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited's fraudulent registration and took advantage of its merely contending that the Certificate of Title he held was in her names. They should have inquired into the validity of the Title as discussed above. In the final conclusion the purchasers of Kyapa Mungalo registered on private mailo land registered under other persons vide

effect 7 and 8 of the Registration of Titles Act are not bona fide purchasers for value without Notice.

MORTGAGES GIVEN BY BANKS UNDER KYAPA MUNGALO SECURITIES

BANK OF AFRICA
BANK OF AFRICA
BANK OF AFRICA

Stanbic partners with Buganda Land Board to finance land title acquisition

Uganda Government also questioned the legitimacy of Kyapa Mungalo

The entire loan acquisition process not longer than 48 hours. - Buganda Land Board (BLB) MD, Kyewalabye Male .Buganda Land Board and Stanbic Marriage

The veiled fraudster is Rehema Nanvuma Wandera a strategic manager at the Buganda Land Board fraudulently incorporated after the case of Buganda Land Board vs John Wampamba (2014) .land title acquisition by 'bibanja' holders whose land has already been surveyed by the Buganda Land Board but lacked the money to pay for their land

Stanbic Bank Uganda on Twitter: "The bibanja

Former Buganda Premiere, Danielle Mulika questions Kyapa Mungalo

Stanbic Bank Uganda on Twitter: "The bibanja holders will go the Buganda Land Board's Kyapa Mungalo offices to survey and authenticate their land.

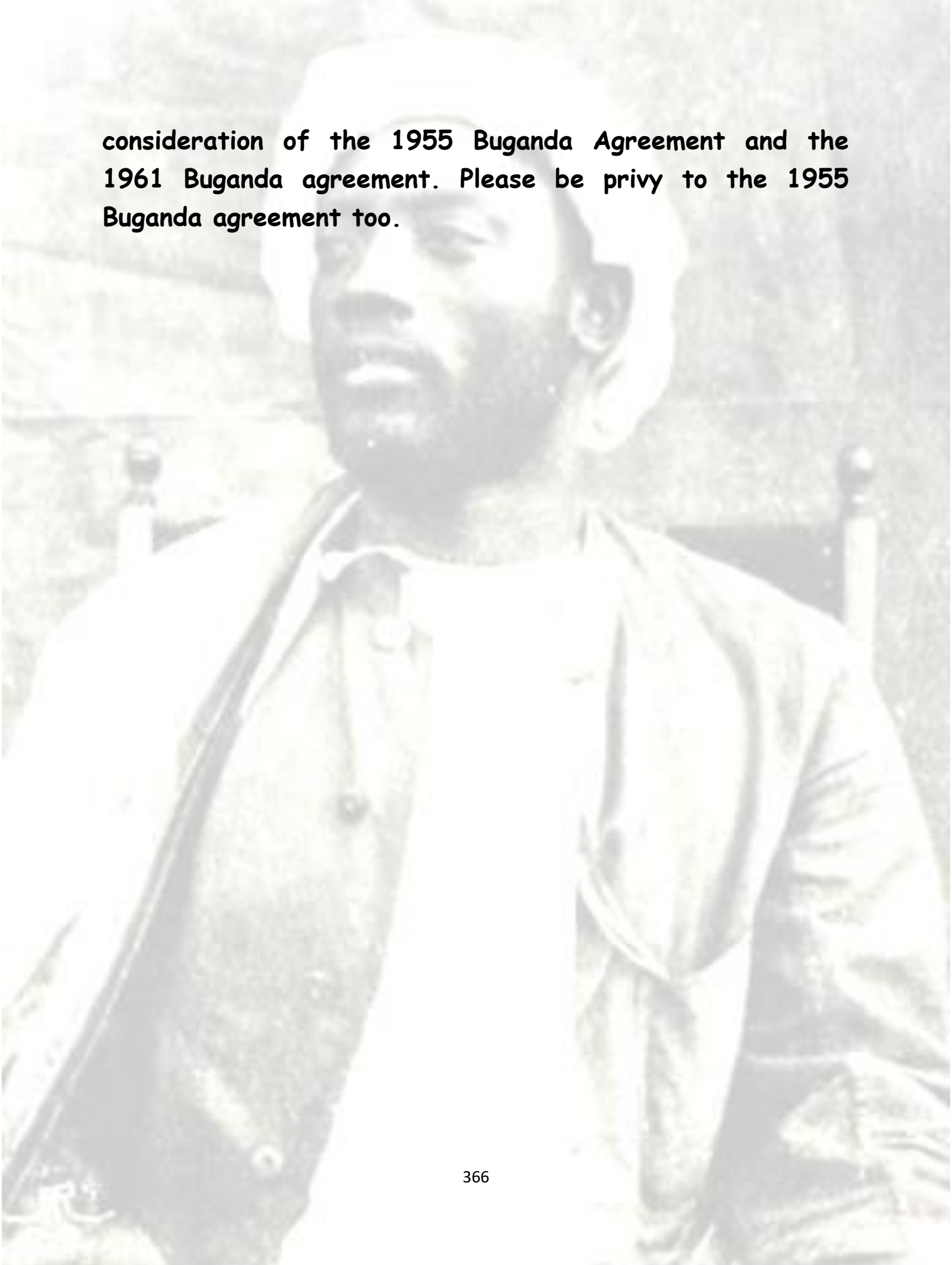
Buganda Land Board." Stanbic Bank Head of Home Loans Jackson Emanzi addresses the media during the launch of Kyapa

Bashir Kizito | What is KYAPA MUNGALO land tenure, and is the land title bankable?

THE ARCHITECTS OF KYAPA MUNGALO IN UGANDA

It will also be important for the public to become privy to the 1955 Buganda Agreement so that we have a proper understanding of the things we are talking about for it provides the fundamentals that bring up a good Buganda Philosopher and it also gives us the value chain over which the 1962 constitution. Having read the two, I opine that the Uganda 1962 constitution was majorly made with the

consideration of the 1955 Buganda Agreement and the 1961 Buganda agreement. Please be privy to the 1955 Buganda agreement too.



THE BUGANDA AGREEMENT, 1955

(See *Legal Notice* ***No.190 of 1955***

Laws of Uganda, pp 383-418)

AN AGREEMENT made this 18th day of October 1955 between Sir Andrew Benjamin Cohen, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor and Commander in Chief of the Uganda Protectorate on behalf of Her Majesty Queen Elizabeth 11, by the grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith **ON THE ONE PART**: and Edward William Frederick David Walugembe Mutebi Luwangula Mutesa II Kabaka of Buganda for and on behalf of the Kabaka, Chiefs and People of Buganda **ON THE OTHER PART:**

WHEREAS by Agreement made on the 29th day of May, 1893, between Mwanga Kabaka of Uganda of the one part and Sir Gerald Herbert Portal, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Her Britannic Majesty' Commissioner and Consul- General for East Africa on behalf of Her Majesty's Government in the United Kingdom (hereinafter referred to as "Her Majesty's Government") of the other part the said Kabaka Mwanga did pledge and bind himself to certain conditions with the object of securing British protection and assistance and guidance for himself and his people and dominions:

AND WHEREAS the said Kabaka Mwanga by the said Agreement undertook on behalf of himself and his successors to make a Treaty in the sense of or in a similar sense to the said Agreement in the event of Her Majesty's Government being willing to assent to the said conditions:

AND WHEREAS on the 19th day of June, 1894, a notification dated the 18th day of June, 1894, was published in the London Gazette stating that under and by virtue of the said Agreement Uganda was placed under the Protectorate of Her Majesty Queen Victoria:

AND WHEREAS in pursuance of the undertaking of the aforementioned and in consideration of the bestowal by Her Majesty Queen Victoria of the protection which the said Kabaka Mwanga had requested in the said Agreement of the 29th day of May, 1893, by a Treaty made on the 27th day of August 1894 (here in after referred to as "the Buganda Agreement, 1894") between the said Kabaka Mwanga of the one part and Henry Edward Colville, a Companion of the Most Honourable Order of the Bath, a Colonel in Her Majesty's army, Her Britannic Majesty's Acting Commissioner for Uganda, for and on behalf of Her Majesty of the other part, the said Kabaka Mwanga did pledge and hind himself, his heirs and successors to conditions in all respects similar to the conditions set out in the said Agreement:

AND WHEREAS by an Agreement made on the 10th day of March, 1900 (hereinafter referred to as "the Buganda Agreement, 1900") between Sir Henry Hamilton Johnson, Knight Commander of the Most Honourable Order to the Bath, Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General for the Uganda Protectorate and the adjoining Territories, on behalf of the Kabaka of Buganda, and the Chiefs and People of Buganda on the other part the relationship between Her Majesty's Government, the Government of the Protectorate of Uganda, (hereinafter referred to as "the Protectorate Government") and the Kabaka, Chiefs and People of Buganda, was further defined and provision was made for recognition of the Kabaka of Buganda as native rulers of Buganda under Her Majesty's protection and over-rule:

AND WHEREAS by various supplementary Agreements the Buganda Agreement, 1900, has been extended and modified;

AND WHEREAS Her Majesty's Government has given an assurance to the Kabaka, Chiefs and People of Buganda in the following terms:-

'Her Majesty's Government has no intention whatsoever of raising the issue of East African federation either at the present time or while local pubic opinion on this issue remains as it is at the present time. Her Majesty's Government fully recognises that public opinion in the Protectorate generally and Buganda in particular, including the opinion of the Great Lukiko, would be opposed to the inclusion of the Uganda Protectorate in any such federation; Her Majesty's Government has no intention whatsoever of disregarding this opinion either now or at any time, and recognises accordingly that the inclusion of the Uganda Protectorate in any such federation is

outside the realm of practical politics at the present time or while public opinion remains as it is at the present time. *As* regards the more distant future, Her Majesty's Government clearly cannot state now that the issue of East African federation will never be raised, since public opinion in the Protectorate including that of the Baganda, might change, and it would not in any case be proper for Her Majesty's Government to make any statement now which might be used at some time in the future to prevent effect being given to the wishes of the people of the Protectorate at that time. But Her Majesty's Government can and does say that, unless there is a substantial change in public opinion in the Protectorate, including that of the Baganda, the inclusion of the Protectorate in an East African federation will remain outside the realm of practical politics even in the more distant future".

AND WHEREAS Her Majesty's Government has given an undertaking that, should the occasion ever arise in the future to ascertain public opinion in terms of the aforesaid assurance, the Protectorate Government will at that time consult fully with the Buganda Government and the other Authorities throughout the country as to the best method of ascertaining public opinion:

AND WHEREAS by an Agreement made on the 15th day of August, 1955, entitled the Buganda (Transitional) Agreement, 1955, representatives of Her Majesty and the Kabaka, Chiefs and people undertook that this Agreement should be executed:

NOW THEREFORE it is hereby agreed and declared as follows:

1. (1) This Agreement may be cited as the Buganda Agreement, 1955, and shall be read as one with the Buganda Agreement, 1894, the Buganda Agreement, 1900, and the Agreements specified in the Third Schedule to this Agreement.

(2) The Agreements mentioned in paragraph (1) of this article and this Agreement may be cited together as the Buganda Agreements, 1894 to 1955.

(3) This Agreement shall come into force when executed and shall thereafter be binding on Her Majesty's Government and the Kabaka, and the Chief and the People of Buganda.

2. (1) The Kabaka (King) of Buganda who is the Ruler of Buganda shall be styled "His Highness the Kabaka" shall be elected, as hitherto, by a majority of votes in the Lukik

(2) The range of selection must be limited to the Royal Family of Buganda, that is to say, the descendants of Kabaka Mutesa I, and the name of the prince chosen by the Lukiko must be submitted to Her Majesty's Government for approval, and no prince shall be recognised as Kabaka of Buganda whose election has not received the approval of Her Majesty's Government.

3. Before any prince shall be recognised by Her Majesty's Government as Kabaka of Buganda he shall enter into a Solemn Undertaking in accordance with the provisions of the Constitution set out the First Schedule to this Agreement; and so long as he observes the terms of the said Solemn Undertaking, Her Majesty's Government agrees to recognise him as Ruler of Buganda.

4. Buganda shall be administered in accordance with the Constitution set out in the First Schedule to this Agreement, and the provisions of the said Schedule shall have effect as from the date upon which this Agreement comes into force.

5. The Lukiko shall, subject to the provisions of any Buganda law made pursuant to paragraph (2) of article 21 of the Constitution set out in the First Schedule to this Agreement, be constituted as follows:

(a) the Katikiro (or Prime Minister), the Omulamuzi (or Minister of Justice), the Omuwanika (or Minister of Finance) and the other members of the Ministry constituted by Article 7 of the said Constitution shall be ex-officio members of the Lukiko;

(b) each chief of a saza (twenty in all) shall also be an ex-officio member of the Lukiko;

(c) the Kabaka may appoint six other persons of importance in the country to be members of the Lukiko during his pleasure.

6. The functions of the Lukiko shall be to discuss matters concerning the Kabaka's Government, and it may pass resolutions recommending measures to be adopted by the Government, but no effect shall be given to such resolutions without the approval of Her Majesty's Representative, that is to say the Governor except so far as it may be otherwise agreed between him and the Kabaka's Government that such approval shall not be required.

(1) At all times when provision has been made for at least three fifths of all the Representative Members of the Legislative Council of the Uganda Protectorate to be Africans and for such number of Africans to be appointed as Nominated Members of Council as will bring the total number of Africans who are members of the Council up to at least one half of all the members of the Council, excluding the President of the Council, then Buganda shall be represented in the Legislative Council of the Uganda Protectorate, and for that purpose at least one quarter of the Representative Members of the Council who are Africans shall be persons who represent Buganda.

(2) The Katikiro shall submit to Her Majesty's Representative, that is to say the Governor, the names of the candidates for appointment as the Representative Members of the Legislative Council to represent Buganda that is to say the persons who have been elected for that purpose in accordance with the provisions of the Second Schedule to this Agreement.

(3) Notwithstanding the provisions of paragraph (2) of this Article, a system of direct elections for the Representative Members of the Legislative Council who represent Buganda shall be introduced in the year 1961 if such system has not been introduced earlier.

(4) Her Majesty's Government shall during the year 1957 arrange for a review by representatives of the Protectorate Government and of the Kabaka's Government of the system of election of Representative Members of the Legislative Council who represent Buganda. In such review consideration will be given to any scheme submitted by the Kabakas Government for the election of such representative Members based upon the recommendation contained in the Sixth Schedule to this Agreement. Every effort will be made to give effect to the Recommendations resulting from such review in time for the election of the Representative Members of the Legislative Council who represent Buganda when the Legislative Council is generally reconstituted after the general vacation of seats in the Council next following the coming into force of this Agreement.

8. The Constitution and jurisdiction of the Kabaka's courts and the administration of justice therein shall be that set out in the Buganda Courts Ordinance of the Uganda Protectorate, subject to the provisions of any Ordinance made with the consent of the Kabaka's Government amending or replacing that Ordinance.

9. Notwithstanding anything contained in the Buganda Agreement, 1900:-

(a) Payments shall be made by the Protectorate Government to the Kabaka's Government in respect of the revenue and mining rents and royalties payable to the Protectorate Government on land vested in Her Majesty under the provisions of the Buganda Agreements on the same basis as such payments are made to District Councils in the rest of the Uganda Protectorate.

(b) **Discussions between Her Majesty's Representative, that is to say the Governor, and the Kabaka's Government with a view to determining whether the status of any land vested in her Majesty by the Buganda.**

Agreements can be modified shall be begun as soon as is practicable.

10. (1) The Buganda Agreement, 1900, shall, as from the date of the coming into force of this Agreement, be amended in the manner specified in the Fourth Schedule to this Agreement.

(2) The Agreements specified in the Fifth Schedule to this Agreements shall, as from the date of the coming into force of this Agreement, cease to have effect.

11. No major changes shall be made to the Constitution set out in the First Schedule to this Agreement for a period of six years after the coming into force of this Agreement, but at the end of that period the provisions of the said Constitution shall be reviewed.

FIRST SCHEDULE

THE CONSTITUTION OF BUGANDA

1. This constitution may be cited as the Constitution of Buganda.

2. (1) In this Constitution the expression "the Kabaka" means the person who is recognized as Kabaka of Buganda under article 2 of the Buganda Agreement, 1955, and the expression "the Kabaka's Government" means the Government established for Buganda by this Constitution.

(2) The Governor of the Uganda Protectorate shall be Her Majesty's Representative in Buganda and is referred to in this Constitution as "the Governor".

(3) In this Constitution unless the context otherwise requires -

"Buganda Agreements" means the Buganda Agreements, 1894 to l955, and any other agreements hereinafter made on behalf of Her Majesty with the Kabaka, Chiefs, and People of Buganda or the Kabaka's Government but does not include any Buganda law or any Standing Order made in pursuance of this Constitution;

(2) Appeals from determinations of the High Court under this article shall lie direct to Her Majesty in Council or the Chief Justice may direct, and accordingly no appeal shall lie to Her Majesty's Court of Appeal for Eastern, Africa.

(3). Buganda in the administration of the Uganda protectorate shall rank as a province of equal rank with any other provinces into which the Protectorate may be divided.

(4). The Kabaka shall enjoy all the titles, dignities and pre-eminence that attach to the office of the Kabaka under the law and custom of Buganda and the members of the Royal family of Buganda shall enjoy all such titles and precedence as they have heretofore enjoyed.

(5). (1) The Kabaka shall, before assuming the functions of his office under this Constitution, enter into a Solemn Undertaking with Her Majesty and with the Lukiko and People of Buganda in the presence of the Governor and representatives of the Lukiko and, so long as he observes the terms of the said Solemn Undertaking he shall be entitled to perform the functions conferred upon him by this Constitution.

(2) The Solemn Undertaking shall be as follows:-

"I….do hereby undertake that I will be loyal to Her Majesty Queen Elizabeth ll, whose protection Buganda enjoys, Her Heirs and Successors and will well and truly govern Buganda according to law and will abide by the terms of the Agreements made with Her Majesty and by the Constitution of Buganda, and that I will uphold the peace, order and good government of the Uganda Protectorate and will do right to all manner of people in accordance with the said Agreements, the Constitution of Buganda, the laws and customs of Buganda and the laws of the Uganda Protectorate without fear or favour, affection or ill—will".

(i) upon the return of the Kabaka to Buganda;

(ii) if he resigns by writing under his hand addressed to the Kabaka;

(iii) if his appointment is terminated by the Kabaka;

(iv) the Kabaka ceases to be able to perform his functions under this Constitution otherwise than by reason of absence from Buganda.

(c) The Kabaka may appoint a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(d) The powers referred to in this paragraph shall not be exercisable during any period in which the Kabaka is a minor or is for any other cause other than absence from Buganda unable to perform his functions under this Constitution.

(3) During the subsistence of a Regency under paragraph (I) or paragraph (2) of this article, the Regents shall, so long as they observe the terms of the Buganda Agreements and of this Constitution and uphold the peace, order and good government of the Uganda protectorate, and subject to the provisions of paragraphs (4),(5) and (6) of this article have full authority to perform the functions of the Kabaka under this Constitution.

(4)(a) A Regent shall not assume the functions of the office of Regent until he has first taken an oath for the due performance of the office and his election or appointment has been approved by the Governor.

(b) For the purposes of this paragraph, the form of the oath of the office of Regent shall be as follows:

"I ……..do hereby swear that I will be loyal to Her Majesty Queen Elizabeth II, whose protection Buganda enjoys, Her Heirs

and Successors and will well and truly perform the functions of the office of Regent of Buganda according to law and will uphold the peace, order and good government of the Uganda Protectorate and will do right to all manner of people in accordance with the Agreements made with Her Majesty, the Constitution of Buganda, the laws and customs of Buganda and the laws of the Uganda Protectorate without fear or favour, affection or ill-will. So help me God".

(5)(a) Any function of the Kabaka under this Constitution shall be performed by the Regents in the same manner, so far as custom allows, as that in which the functions would be performed by the Kabaka save that the signature of two Regents shall be sufficient signification of the will of the Regents.

(b) Where any matter is dependent on the decision of the Regents, any decision shall be regarded as the decision of the Regents if two of the Regents are in favour thereof.

(c) If any Regent is absent from Buganda or for any other reason unable to perform the functions of a Regent or if the office of one of the Regents is vacant, it shall be sufficient if the functions of the regents are performed by two Regents.

(7)(1) There shall be a Ministry for Buganda, which shall be called the "Kabaka's Council of Ministers", and is hereinafter sometimes for brevity referred to as "the Ministry".

(2) The Kabaka's Council of Ministers shall consist of :-

(a) the Katikiro

(b) the Omulamuzi;

(c) the Omuwanika

(d) the Minister of Health;

(e) the Minister of Education;

(f) the Minister of Natural Resources:

Provided that the number and designation of members of the Ministry other than the Katikiro, the Omulamuzi and the Omuwanika may be varied from time to time by resolution passed by the Lukiko and approved by the Governor.

(3) When there is occasion for the resignation of the Ministry to be tendered the Katikiro shall tender the resignation of the Minister, collectively to the Kabaka through the Speaker, and the Kabaka shall thereupon accept the resignation;

Provided that where the resignation is tendered in accordance with the provisions of article 10 of this Constitution, the Kabaka shall not accept the resignation until the Katikiro designate submits to him the names of persons selected from the ministerial offices in accordance with paragraph (7) of article 12 of this Constitution.

(4) Each member of the Ministry shall have such responsibilities as may be determined by the Karikiro.

8. (1) The Kabaka's Council of Ministers as a whole shall be charged with the conduct of the Kabaka's Government, and each Minister shall be individually responsible for such departments of the Kabaka's Government as may he placed in his charge.

(2) All acts of the Kabaka's Government shall, save in so far as law and custom otherwise require, shall be done in he name of the Kabaka.

(3) Where any function under this Constitution is exercisable by the Kabaka, that function shall, unless a contrary intention appears, be exercised

by him by means of a written instrument signed by him in the presence of a Minister, who shall sign the same as witness.

(4) (a) Where it is provided in this Constitution that the Kabaka may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(b) (i) A statement in writing signed by the Katikiro that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Katikiro or of the Ministry in accordance with the recommendation shall be conclusive evidence of that fact.

(ii) A certified true copy of a minute of the Buganda Appointments Board or of any committee appointed by the Kabaka under this Constitution recording that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Board or committee in accordance with the recommendation shall be conclusive evidence of that fact.

9. The Katikiro shall keep the Kabaka fully informed on all important matters concerning the Kabaka's Government.

10. (1) When the Lukiko meets for the first time after any dissolution thereof, the resignation of the Kabaka's Council of Ministers then in office shall be tendered.

(2) When the resignation of the Ministry has been tendered in accordance with paragraph of this article, a Katikiro designate shall be elected in accordance with the procedure laid down in article 11 of this Constitution and candidates for the ministerial offices shall be elected in accordance with the procedure laid down in article 12 of this Constitution.

11 (1) The Speaker shall fix a day by which nominations of candidates for the office of Katikiro shall be submitted to him.

(2)(a) Any person may be nominated as a candidate for the office of Katikiro, whether or not he is a member of the Lukiko, by not less than five members of the Lukiko.

(b) Nominations shall be submitted in writing signed by the members making them, to the Speaker on or before the day fixed by him in that behalf.

(3) The Speaker shall prepare a list of the persons who have been duly nominated and shall cause copies of the list to be laid before the Lukiko.

(4) On the fifth weekday after the list has been so laid or such other day as the Speaker shall consider convenient, the Lukiko shall by secret ballot elect as Katikiro designate one of the persons whose name appears on the list and the Speaker shall submit the name of the person so elected to the Governor for approval.

(5) If the name of a person elected as Katikiro designate in accordance with the provisions of paragraph (4) of this article is not approved by the Governor a further election of another person as Katikiro designate shall be held in accordance with the foregoing provisions of this article.

(6) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

12 (1) When the Katikiro designate has been elected and his election has been approved by the Governor, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of Katikiro shall be submitted to him.

(2) Any person may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiko, either by the Katikiro designate or by not less than three members of the Lukiko.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf.

Provided that:

(a) no persons other than the Katikiro designate shall join in nominating more than three candidates.

(b) the Katikiro designate shall not nominate more than five candidates.

(4) The Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiko and if the names of more than fifteen persons appear in the list, the Lukiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices fifteen persons from among whose names appear in the list.

(5) The Katikiro designate shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidate (or if the names of more than fifteen persons appear in that list, from the names of the persons elected as candidates by the Lukiko), and shall submit their names to the Governor for approval as a Minister.

(6) If the Governor does not approve the name at a person selected for appointment to a ministerial office, the Katikiro designate shall select another person in the manner specified in paragraph (5) of this article, and shall submit his name to the Governor for approval as a Minister.

(7) The Katikiro designate shall submit the names of the persons selected under the foregoing provisions of this article, as approved by the Governor, to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office.

(8) If at any time the office of Katikiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

13. When the names of persons selected for the ministerial offices have been submitted to the Kabaka, the Kabaka shall appoint the Katikiro designate to be Katikiro by handing him the Ddamula and not earlier than the following day, the Kabaka shall appoint the persons selected to the ministerial offices for which they have been recommend by the Katikiro designate by receiving their homage and allegiance in customary form in respect of such offices.

14 (1) The Kabaka may, on the recommendation of the Katikiro, transfer the holder of any ministerial office, other than the office of Katikiro, to another such ministerial office.

(a) When any person is to be transferred from one ministerial office to another under this article, he shall tender his resignation from the

office that he is relinquishing to the Kabaka, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

15 (1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Ministry under article 16 or article 40 of this Constitution, a Katikiro shall be elected in accordance with the procedure laid down in Article 11 and 12 of this Constitution, and the Katikiro designate and the other persons so elected shall be appointed to be Ministers in accordance with article 13 of this Constitution.

(2)(a) If the office of Katikiro becomes vacant at any tine otherwise than by reason of the resignation of the Ministry, a Katikiro designate shall be elected in accordance with the procedure laid down in article 11 of this Constitution, and the Kabaka shall appoint him to the Katikiro by handing him the Ddamula.

(b) When a Katikiro has been appointed in pursuance of sub-.paragraph (a) of this paragraph, the other Ministers holding office at the time of the appointment shall tender their resignations to the Kabaka and the Katikiro shall recommend to the Kabaka either that he should accept or that he should refuse the resignations, and the Kabaka shall act in accordance with the recommendation.

(c) If by reason of the acceptance of the resignations, the offices of the Ministers other than the Katikiro become vacant :-

(i) the speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of Katikiro shall he submitted to him;

(ii) any person not being a person who held office as a Minister at the time when the Katikiro was appointed, may be nominated as a candidate for the ministerial offices, whether

or not he is a member of the Lukiko, either by the Katikiro or by not less than three members of the Lukiko;

(iii) nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be stimulated in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf.

Provided that:

a) no person other than the Katikiro shall join in the nomination of more than three candidates;

b) the Katikiro shall not nominate more than five candidates;

(iv) the Speaker shall prepare a list of the persons who have been duly nominated for the ministerial office and shall cause copies of the list to be laid before the Katikiro and if the names of more than ten persons appear on the list, the Lukiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices ten persons from among those persons whose names appear in the list;

v) The Katikiro shall select persons for appointment to the ministerial offices from:-

(a) The persons whose names appear in the list of candidates (or, if the names of more than ten persons appear in that list, from the names of the persons elected as the candidates by the Lukiko); and

(b) the persons who were holding office as Ministers at the time of his appointment, and shall submit their names to the Governor for approval as Ministers;

vi) If the Governor does not approve the name of a person selected for appointment to a ministerial office, the Katikiro shall select another person in the manner specified in sub-paragraph (v) of this sub-paragraph, and shall submit his name to the Governor for approval as a Minister;

vii) The Katikiro shall submit the names of the persons selected under the foregoing provision of this sub-paragraph, as approved by the Governor, to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office, and the Kabaka shall appoint the person selected to the ministerial offices for which they have been recommended by receiving their homage and allegiance in customary form in respect of those offices.

(3)(a) If a ministerial office other than that of the Katikiro becomes vacant at any time otherwise than by reason of the resignation of the Ministry, the Speaker shall, so soon as convenient, fix a day by which nominations of candidates for the office shall be submitted to him.

(b) Any person may be nominated for the vacant office whether or not he is a member of the Lukiko, either by the Katikiro or by not less than three members of the Lukiko.

(c) Nominations shall be submitted in writing signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf:

Provided that no person shall join in nominating more than one candidate.

(d) The Speaker shall prepare a list of the persons who have been duly nominated for the vacant office and shall cause copies of the list to be laid before the Lukiko, and if the names of more than five persons appear in the list, the Lukiko shall on the third weekday thereafter or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the vacant office five persons from among those persons whose names appear in the list.

(e) The Katikiro shall select a person for appointment to the vacant office from the persons whose names appear in the list of candidates (or, if the names of more than five persons appear in that list, from the names of the persons elected as candidates by the Lukiko), and shall submit his name to the Governor for approval.

(f) If the Governor does not approve the name of a person selected for appointment to the vacant office, the Katikikiro shall select another person in the manner specified in sub-paragraph (e) of this paragraph, and shall submit his name to the Governor for approval.

(g) When the Governor has approved the name of any person selected under the foregoing provisions of this paragraph the Katikiro shall submit his name to the Kabaka, and the Kabaka shall appoint him to the vacant office by receiving his homage and allegiance in customary form in respect of the office.

16(1) If a motion declared by the Speaker under paragraph (3) of this article to be a motion of no confidence in the Kabaka's council of Ministers on an important matter, in favour of which there are cast the votes of not less than two third of all the members of the Lukiko, is carried by the Lukiko the resignation of the Ministry shall be tendered to the Kabaka through the Speaker.

(2) Fourteen days notice shall be given to the Speaker before any such motion is debated.

(3) If in the opinion of the Speaker any motion (including a notion that has been a amended) that has been proposed by nor less than twenty members of the Lukiko is a motion signifying no confidence in the Ministry on an important matter, he shall declare it as such and his declaration shall he final:

Provided that any motion proposed by not less than forty members of the Lukiko that specifically expresses no confidence in the Minister shall be deemed for the purposes of this article to be a motion of no confidence in the Ministry on an important matter and shall be declared by the Speaker to be such a motion.

17(1) The office of the Minister shall become vacant:-

a) If the holder of the office resigns by writing under his hand addressed to the Kabaka through the Speaker;

a) If the resignation of the Minister is accepted by the Kabaka; or

b) If the appointment is terminated under article 18 or article 19 of this Constitution.

(2) Whenever the office of the Katikiro becomes vacant the Ddamula shall be delivered to the Kabaka forthwith in the customary manner.

(3) If ant any time the office of a Minister is vacant, the functions of the Minister shall be discharged during the period of the vacancy in such manner as the remaining Minister shall decide:

Provided that if the office of all the Ministers are vacant, the functions of each Minister (other than those functions that he performs in his capacity as a member of a Lukiko) shall during the period in which the said offices remain vacant, be discharged by the Permanent Secretary to that Minister.

18 (1) The Kabaka shall terminate the appointment of a Minister if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee, consisting of such persons as he shall consider suitable, to enquire into the nature of the offence; and the committee shall; if it is satisfied that the offence involves moral turpitude, inform the Kabak accordingly and thereupon the Kabaka shall terminate the appointment of the Minister.

(3) If in the opinion of the Kabaka a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the Minister has become incapable of performing his functions as a Minister by reason of physical or mental infirmity, inform the Kabaka accordingly and thereupon the Kabaka shall terminate the appointment of the Minister.

19(1) If in the opinion of the Katikiro any Minister has failed to carry out the policy or the decisions of the Ministry either persistently or in respect of an important matter, he may call a meeting of the Ministers, and propose that the Minister should be dismissed.

(2) The proposal shall be put to vote, and a majority of the votes of the Ministers are cast in favour the proposal, the Katikiro shall recommend to the Kabaka that he should terminate the appointment of the Minister and Kabaka shall terminate the appointment accordingly.

(3) Each Minister, other than the Minister whose dismissal is proposed, may vote on the proposal and in the event of an equality of votes the Katikiro may exercise casting vote as well as an original vote.

20. (1) There shall be a Permanent Secretary to each Minister.

(2) The Permanent Secretary to the Katikiro shall be the Head of the Buganda Civil Service.

21 (1) Subject to the provisions of this article, the Lukiko shall be constituted in accordance with the article 5 of the Buganda Agreement 1955, in the manner provided in the Great Lukiko (Election of Representatives) Law, 1953.

(2) Provision may be made by a Buganda law for amending the aforesaid article or law, or making other provision in lieu thereof, and generally in respect of all matters relating to the Constitution of the Lukiko.

(3) Notwithstanding the provisions of the Great Lukiko (Election of Representatives) Law, 1953, the Lukiko as established at the commencement of this Constitution shall stand dissolved on the thirty- first day of December 1958, and thereafter the Lukiko established by this Constitution shall stand dissolved on the thirty-first day of December of every succeeding fifth year: and the provisions of section 5 of the said law shall be deemed to be modified accordingly,

22 (1) When the Lukiko first meets after any dissolution thereof, the members present shall, before transacting any other business, elect a Speaker and a Deputy Speaker of the Lukiko.

(2) As often as the office of Speaker or the Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Lukiko, the members thereof shall as soon as is practicable elect a person to the office.

(3) A person may be elected to be Speaker whether or not he is a member of the Lukiko:

Provided that no person shall be elected unless he is a person who has been a member of the Lukiko, for at least five years.

(4) No person shall be elected as Deputy Speaker unless he is a member of the Lukiko and is a person who would be eligible for election as Speaker.

(5) The Speaker shall receive such salary as may from tine to time be determined by a Buganda law.

(6) The office of the Speaker or the Deputy Speaker shall become vacant :-

a) If the holder of the office resigns his office by writing under his hand addressed to the Katikiro;

b) In the case of the Deputy Speaker if he ceases to be a member of the Lukiko otherwise than by reason of a dissolution thereof; or

c) If his appointment is terminated by resolution of the Lukiko upon a motion proposed by not less than twenty members of the Lukiko and in favour of which there are cast, the votes of not less than two-thirds of all the members of the Lukiko.

23. There shall preside at meetings of the Lukiko:-

a) The Speaker

a) In the absence of the Speaker, the Deputy Speaker;

b) In the absence of the Speaker, and the Deputy Speaker, such person as may be elected by the Lukiko from among the members of the Lukiko

24. Subject to the provisions of this Constitution and of the Buganda Agreements, the Lukiko may take Standing Orders for the regulation and orderly conduct of its own proceedings and for the passing of Buganda laws:

Provided that no such Orders shall have effect unless they have been approved by the Governor.

25. (1) Save as otherwise provided in this Constitution

(a) all questions proposed for decision in the Lukiko shall be determined by a majority of the votes of the members present and voting;

Provided that neither the Speaker nor the Deputy Speaker, nor any member of the Lukiko while presiding therein, shall have a vote or be entitled to take part in debate;

(b) If on any question the votes are equally divided, the motion shall be lost.

(2) No business except that of adjournment shall be transacted in the Lukiko if there are present (beside the Speaker or other person presiding) less than forty-five members of the Lukiko.

26 (1) Subject to the provisions of the this Constitution and of the Buganda Agreements, the Kabaka may, with the advise and consent of the Lukiko, make laws binding upon Africans in Buganda:

Provided that no law shall be enacted by the Kabaka unless the draft thereof has first been approved by the Governor.

(2) When a draft law has been passed by the Lukiko in accordance with Standing Orders made under article 24 of this Constitution and has been approved by the Governor, it shall be submitted by the Katikiro to the Kabaka, who shall sign the same in token of assent, whereupon the draft shall become a law.

(3) A law enacted under this article shall be published in the Uganda Gazette, and shall come into operation on the date of its publication or on such other date as may be provided in the law.

(4) The laws made for the general governance of the Uganda Protectorate shall be equally applicable to Buganda, except in so far as they may in any particular conflict with the terms of the Buganda Agreements , in which case terms of the Buganda Agreements shall constitute a special exception in regard to Buganda.

(5) For the purpose of this article the expression "African" shall have the meaning assigned to it by the Interpretation and General Clauses Ordinance of the Uganda Protectorate, as from time to time amended, or any Ordinance replacing that ordinance.

27. (1) The annual estimates of revenue and expenditure of the Kabaka's Government and schedules of supplementary expenditure, which may be submitted quarterly, shall require the approval of the Governor.

(2) The accounts of the Kabaka's Government shall be audited by officers of Her Majesty's Overseas Audit Service

(3) Moneys granted or lent by the Protectorate Government to the Kabaka's Government for any specific purpose shall be expended in such, manner as may be approved by the Governor

28 (1) If any motion for the approval of the annual estimates of revenue and expenditure of the Kabak's Government of schedules of supplementary expenditure or for making financial provision for any purpose is proposed in the Lukiko by a Minister, and the motion is rejected by the Lukiko, the Katikiro may give notice to the Speaker that he proposes to treat the said motion as a matter of confidence in the Ministry.

(2) At any time not less than, fourteen days and not more than twenty-eight days after notice has been given to the Speaker in pursuance of paragraph (1) of this article, a Minister may again propose the motion with or without amendment.

(3) If the motion is then rejected by the Lukiko by the votes of at least two thirds of all the members of the Lukiko, a vote of no confidence in the Kabaka's Council of Ministers shall be deemed to have been carried by the Lukiko, and the resignation of the Ministry shall be tendered in accordance with the provisions of article 7 of this Constitution; but in any case the motion shall be deemed to have been carried by the Lukiko.

(4) In this article the expression 'rejected by the Lukiko" means not carried by the Lukiko without amendment or carried by the Lukiko with amendments that are not acceptable to the Ministry.

29. (1) The Lukiko may establish standing and ad-hoc committees, consisting of members of the Lukiko, for any purpose.

(2) The Lukiko shall establish a standing committee to deal with each of the following subjects: -

(a) Finance:

(b) Public works

(c) Education

(d) Health;

(e) Natural Resources

(f) Local Government and Community Development:

Provided that the Lukiko may by resolution vary the subjects specified in this paragraph.

(3) Each standing committee established under paragraph (2) of this article shall be under the chairmanship of the Minister responsible for the subject with which the committee is dealing; and its function shall be to study that subject and advise the Minister thereon.

(4) The Permanent Secretary to the Minister who is Chairman of the committee and any other persons who are required by the committee for its efficient working may

attend and take part in the deliberations of any committee established under paragraph, (2) of this article, but shall not vote therein.

(5) Nothing in this article shall apply to or affect the functions of the Standing Committee of the Lukiko in existence at the commencement of this Constitution.

30. (1) There shall be established a board, called the Buganda Appointments Board

(hereinafter in this article reffered to as the "Board"), which shall consist of :-

(a) A Chairman who shall be appointed by the Kabaka with the approval of the Governor;

(b) The Permanent Secretary to the Katikiro who shall, ex-officio, be deputy Chairman; and

(c) Three other persons, who shall be appointed by the Kabaka upon the recommendation of the Ministry with the approval of the Governor.

(2) The Ministry shall recommend or appointment as members of the Board persons who they are satisfied are experienced in public affairs but are not at the time actively engaged in politics.

(3) The office of a person appointed to be a member of the Board in pursuance of sub-paragraphs (a) or (c) of paragraph (1) of this article shall became vacant -

a) in the case of the Chairman, at the expiration of seven years from the dateof his appointment;

b) in the case of a member of the Board, other than the Chairman, at the expiration of five years from the date of his appointment;

c) if he resigns; or

d) if his appointment is terminated under paragraph (4) of this article.

(4) (a) The Kabaka shall terminate the appointment of a member of the Board if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(b) If a member of the Board is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the nature of the offence; and the committees shall, if it is satisfied that the offence involved moral turpitude inform the Kabaka accordingly,a nd thereupon the Kabaka shall terminate the appointment of the member.

(c) If in the opinion of the Kabaka a member of the Board may have become incapable of performing his functions as a member of the Board by reason of physical infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the member has become incapable of performing his infirmity , inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the member.

31 (1) (a) Appointments to office of Permanent Secretary to a Minister, to the office of the Saza Chief, Gombolola Chief, Muluka Chief, and to the offices specified in Appendix B of this Constitution, shall subject to the provisions of this article, be made by the Kabaka on the recommendation of the Buganda Appointments Board.

(b) The Board shall only recommend for appointment as Permanent Secretary to the Katikiro a person who is at the time a Saza Chief or other senior officer in the service of the Kabaka's Government.

(c) No person shall be appointed to the office of Permanent Secretary to a Minister without the approval of the Governor, which approval shall not be withheld unless the Governor is satisfied that there are exceptional circumstances in which he ought to withhold his approval.

(d) The Kabaka shall make appointments under this paragraph by receiving from, each person to be appointed to an office his homage and allegiance in customary form in respect of that office.

(2) (a) The Buganda appointments Board shall, subject to the provisions of this article be responsible for the appointment of all officers and employees in the service of the Kabaka's Government other than those appointed by the Kabaka under paragraph (1) of this article.

For the purposes of this paragraph, the office of Minister, Speaker of the Lukiko, Deputy Speaker of the Lukiko and the member of the Appointment Board shall not be regarded as officers in the service of the Kabaka's Government.

(3) Appointments under this article shall be in conformity with the provisions of the Buganda Staff Regulations.

(4) The provisions of this article shall not extend to officers seconded from the service of the Protectorate of the Kabaka's Government.

32(1) (a) The office of a Permanent Scretary to a Minister or a Saza Chief shall become vacant:-

i. If the holder of the office resigns by writing under his hand addressed to the Kabaka through the Katikiro.

ii. In case of the Permanent Secretary to the Katikiro, if his appointment is terminated by the Kabaka on the recommendation of the Katikiro on the grounds of misconduct, inefficiency or ill health.

iii. In the case of the Permanent Secretary to a Minister, other than the Permanent Secretary to the Katikiro and in the case of a Saza Chief, if his appointment is terminated by the Kabaka on the recommendation of the Buganda Appointments Board on the grounds of misconduct, inefficiency or ill health.

(b) The appointment of a Permanent Secretary to a Minister shall not be terminated under sub- paragraph (a) of this paragraph without the approval of the Governor, which approval shall not be withheld unless the Governor is satisfied that there are exceptional circumstances in which he ought to withhold his approval.

(2) An office in the service of the Kabaka's Government, not being an office to which, paragraph (1) of this article applies, shall become vacant —

(a) If the holder of the office resigns;

(b) If his appointment is terminated by the Buganda Appointments Board on the grounds of misconduct, inefficiency or ill-health.

(3) The Buganda Appointments Board shall, subject to the provisions of this article, be responsible for the disciplinary control of all chiefs, officers and employees in the service of the Kabaka's Government other than the Permanent Secretary to the Katikiro.

(4) The powers conferred upon the Buganda Appointments Board by this article, shall be exercised in conformity with the provisions of the Buganda Staff Regulations.

(5) The provisions of this article shall not exceed to officers seconded from the service of the Protectorate Government to the service of the Kabaka's Government

(6) For the purposes of this article, the offices of Minister, Speaker of the Lukiko, Deputy Speaker of the Lukiko and member of the Buganda Appointments Board shall not be regarded as officers in the service of the Kabaka's Government.

33(1) The Kabaka's Council of Ministers, after consultation with the Governor, may make regulations to be known as the Buganda Staff Regulations, for all or any of the following purposes relating to persons in or desiring to enter the service of the Kabaka's Government:

(a) the manner in which the Buganda Appointments Board shall carry out its functions.

(b) the maintenance of discipline;

(c) the regulation of appointments(including appointments, on promotion and transfer), remuneration, termination of appointments, and leave;

(d) providing for suspension from duty and the salary to be paid during such suspension;

(e) regulating the payment of allowances, the making of advances and other terms and conditions of service

(f) authorizing the Buganda Appointments Board to its responsibilities under paragraph (2) of article 32 of this Constitution in respect of such classes of officers and employees in the service of the Kabaka's Government as may be specified in the regulations; and

(g) such other matters relating to departmental procedure and the duties and

responsibilities of chiefs, officers and employees, as the Ministers consider can be best regulated by such regulations:

Provided that no regulations made under this paragraph shall come into operation until they have been approved by the Governor.

(2) The Buganda Staff Regulations in so far as they relate to discipline, may, without prejudice to the generality of the provisions of paragraph(1) of this article, provide for:-

a) withholding or deffering increments either permanently or a specified period

b) reduction in rank or salary permanently or temporaily

c) deductions from salary in respect of damage to property caused by misconduct or breach of duty.

(3) The Buganda Staff Regulations as from time to time in force shall, except as otherwise provided in such regulations or in any contract of service form part of the terms of service of any person to whom they apply.

(4) Except so far as may be otherwise agreed by the Governor and the Kabaka's Government, the Buganda Staff Regulations shall not apply to officers seconded from the service of the Protectorate Government to the service of the Kabaka's Government.

34. (1) For the purposes of administration Buganda shall as heretofore be divided into the following Sazas namely: Kiagwe, Bugerere, Bulemezi, Buruli, Bugangadzi, Buyaga, Bwekula, Singo, Busuju, Gomba, Butambala, Kiadondo, Busiro, Mawokota, Buvuma, Sese, Buddu, Koki, Mawogola, Kabula and each Saza shall be divided into gombololas and each gombolola into miruka.

(2) At the head of each saza there shall be a chief, who shall be called a Saza Chief who shall be responsible to the Katikiro for the administration of his saza, for the collection of all taxes imposed by the Kabaka's Government and for the collection of poll tax on behalf of the Protectorate Government .

(3) Every gombolola in each saza shall be in the charge of a chief, who shall be called a Gombolola Chief, and every muluka in each gombolola shall be in the charge of a chief, who shall be styled a Muluka Chief.

(4) Gombolola and Muluka Chiefs shall assist Saza Chiefs in the performance of their duties.

(5) The Governor may give directions to the Kabaka's Government as to the manner in which, the Saza Chiefs shall perform their functions in relation to the maintenance of law and order.

35. (1) The Resident of Buganda shall be the Governor's representative in his relations with the Kabaka's Government;

(2) (a) The functions of the Resident shall be:

i.to advise and assist the Kabaka's Government in the discharge of its functions;

ii.to keep the protectorate Government informed of the views of the Kabaka's Government and of important developments in Buganda.

iii. to keep the protectorate Government informed of the views of the Kabaka's Government and of important developments in Buganda.

(b) In the discharge of his functions under this article, the Resident shall be assisted by a staff consisting of such officers and employees of the Protectorate Government as the Governor shall think fit.

(b) The functions of officers and employees of the Protectorate Government stationed in

Buganda, other than the Resident and his staff and officers who have been seconded to the service of the Kabaka's Government, shall, in relation to the Kabaka's Government, be to give advice and assistance to the Kabaka's Government and its officers and employees in respect of the departmental activities for which such officers and employees of the Protectorate Government are responsible.

36 (1) The Local Government in each saza shall be developed in such manner as may be agreed by the Governor and the Kabaka's Government.

(2) Except in so far as may be otherwise agreed under paragraph (1) of this article, the Resident and his staff shall advise and assist the Saza Chiefs and, through them, the local councils, in the development of local government.

37 The Protectorate Government acting through the officers concerned shall be entitled to inspect:

a) such services administered by the Kabaka's Government as officers of the Protectorate Government have heretofore inspected; and

b) the services to be transferred to the Kabaka's Government pursuant to article 38 of this Constitution.

38. (1) The Kabaka's Government shall assume responsibility for the administration in Buganda of the services, hitherto administered by the Protectorate Government, set out in Appendix A of this Constitution (in this article referred to as "the transferred services") so soon as suitable arrangements have been made for the secondment of the necessary officers and employees of the Protectorate Government in pursuance of paragraph (4) of this article.

(2) The Kabaka's Government shall administer the transferred services in accordance with the laws governing those services and, subject thereto, with the general policy of the Protectorate Government.

(3) The Govenor may order under his hand made with the concurrence of the Kabaka's Government vary Appendix A to this Constitution.

4(a) Such officers and employees of the Protectorate Government as the Governor and the Kabaka's Government shall agree are necessary shall be seconded to the service of the Kabaka's Government, on such terms as may be so agreed, for the purpose of assisting in the administration of the transferred services:

Provided that no officer or employee shall be so seconded without his written consent.

(b) Officers seconded from the service of the Protectorate Government to the service of the Kabaka's Government may be appointed as Permanent Secretaries to Ministers who are administering the transferred services

39 If any disagreement arises between the Protectorate Government and the Kabaka's Government, and the disagreement cannot be resolved by discussion between the representative of the two Governments, and the Governor is satisfied that the issue affects the interests of the peace, order or good government of the Uganda Protectorate, the Governor may tender formal advice to the Ministers upon the matter.

40. If the Ministers refuse to accept formal advice tendered to them by the Governor under article 39 of this Constitution, the Governor may give notice to the Speaker that he requires the Kabaka's Council of Ministers to resign, and upon receipt of any such notice, the Speaker shall forthwith inform the Kabaka, the Lukiko and the Katikiro; and the resignation of the Ministry shall be tendered to the Kabaka through the Speaker when the Katikiro is so informed.

41. The Constitution of Buganda contained in the First Schedule to the Buganda (Transitional) Agreement, 1955 (hereinafter in this article referred to as 'the Transitional Constitution") shall cease to have effect on the coming into force of this Constitution.

Provided that the Solemn Undertaking made under the provisions of article 41 of the Transitional Constitution shall he deemed to have been made under paragraph (1) of article 5 of this Constitution and the provisions in respect thereof in that article shall apply thereto:

And provided that any appointment lawfully made or anything done under the provisions of the Transitional Constitution shall be deemed to have been done under this Constitution.

And provided further that the Kabaka shall appoint the acting Ministers appointed under the Transitional Constitution to be the Ministers under this Constitution in the manner provided in article 13 of this Constitution.

APPENDIX "A" TO THE FIRST SCHEDULE

(a) Primary schools and junior secondary schools;

(b) Rural hospitals, dispensaries (including sub-dispensaries), aid posts and rural health services.

(c) The field service for the improvement of farming methods and soil conservation:

(d) The field service for the improvement of farming methods and soil conservation of livestock breeding and keeping and disease control.

(e) Local Government in the Sazas.

(f) Community Development

(Provided that this service shall be administered concurrently with the Government of the Protectorate.)

APPENDIX "B" TO THE FIRST SCHEDULE

The Assistants to Ministers

The Secretary to the Lukiko

The Private Secretary to the Kabaka

The Provincial Luwalo Inspector

Assistants to the Provincial Luwalo Officer

The Omukulu wo Lubiri

The Omukulu we Komera

Deputy Saza Chiefs

Legal Assistants to Saza Chiefs and Gombolola Chiefs

SECOND SCHEDULE

REGULATIONS FOR THE ELECTION OF PERSONS FOR RECOMMENDATION TO THE GOVERNOR FOR APPOINTMENT AS REPRESENTATIVE MEMBERS FROM BUGANDA OF THE LEGISLATIVE COUNCIL OF THE UGANDA PROTECRORATE

1. These Regulations may be called the Buganda (Legislative Council Candidates) Regulations.

2. In these Regulations anything ordered to be done by the Chief may be done by his deputy if the Chief is incapable of doing it because of illness or for other good cause.

3. If by these Regulations the day on which anything ordered to be done is a Sunday or holiday, that which is ordered to be done on that day may be done on the next working day.

4. In these Regulations the "Electoral Law" means the Great Lukiko (Election of Representative) Law 1953, as may be from time to time amended.

5. Whenever there is occasion to appoint a Representative Member or Members to represent Buganda in the Legislative Council of the Protectorate the Governor shall by notice in writing request the Katikiro to submit names to him for that purpose and the Katikiro shall submit to him the names of persons who have been elected in that behalf by the Electoral College in accordance with these Regulations.

6. (1) There shall be established an electoral college for Buganda (herein referred to as the Electoral College) which shall consist of three persons elected in accordance with the provisions of these Regulations from each Saza in Buganda.

(2) The election of persons to the Electoral College shall take place so soon after the commencement of these Regulations as the necessary arrangements can be made.

(3)If any member of the Electoral College for any reason ceases to be a member of the Electoral College, the Saza which elected him shall, in the same manner as his predecessor was elected, on being required so to do by the Katikiro, elect a person to fill the vacancy.

7. The three representatives from each Saza shall be elected as members of the Electoral College by representatives of each Muluka who have themselves been elected for this purpose in the manner provided in these Regulations.

8. (1)Whenever there is an election for the Electoral College an election shall he held in each Muluka for the purpose of electing one representative from each Muluka (to be known as the Muluka Representative).

(2) the Miruka Representatives so elected shall themselves elect in accordance with the provisions of these Regulations three persons to be Representatives in the Electoral College.

9. Every person entitled to vote at a Muluka election under the Electoral Law shall be entitled to vote at a Muluka election under these Regulations.

10. The latest Register of Voters kept under the provisions of section 9 of the Electoral Law shall be used for the purposes of elections under these Regulations.

11. So soon as the Katikiro announces there to be an election of members of the Electoral College every Muluka Chief shall cause all voters in his Muluka to be informed that a meeting of voters will take place in the Muluka Hall on the day fixed by the Katikiro for the Election of Miruka Representatives.

12. Any person who was eligible to be elected as a Muluka Representative under the Electoral Law at the last preceding elections to the Lukiko shall be eligible to be elected as a Muluka Representative under these Regulations.

13. (1) On the day fixed by the Katikiro for the election of Miruka Representatives the Muluka Chief shall be present at the Muluka Hall and shall preside over the meeting for the election of Miruka Representatives.

(2) The Miruka Representatives shall thereupon be elected in the same manner as Miruka Representatives are elected under the Electoral Law.

14. (I) Any person wishing to stand as a candidate for election as a member of the Electoral College shall present to the Saza Chief not later than a day fixed by the Katikiro for that purpose an application in the Form "A" in the Appendix to these Regulations signed by himself. The Muluka Chief of the Muluka, where a person wishing to stand as a candidate lives, shall sign as a witness.

(2)Not later than three days after the day fixed for the submission of application under paragraph (1) of this Regulation the Saza Chief shall cause a list of all candidates for election to be displayed in a prominent place at the headquarters of the Saza and of every Gombolola in the Saza.

(3)The Saza Chief shall not place on the list of candidates for election any person who in his opinion is not qualified to be a Saza Representative under the provisions of section 8 of the Electoral Law. Any person may within three days appeal against the decision of the Saza Chief to the Special Court established under section 321 of the Electoral Law who shall hear the appeal before a date to be fixed by the Katikiro.

I5. On the day fixed by the Katikiro in that behalf the Miruka Representatives shall meet in the Council Hall of the Saza to elect three of the persons offering themselves as candidates for appointment as Representatives in the Electoral College and such election shall take place in the same manner as is provided for elections of Saza Representatives under the Electoral Law.

16. The Saza Chief shall forward to the Katikiro so soon as the elections of the Saza are completed a return of Form "B" in the Appendix to these Regulations showing the names of the persons elected as Representatives.

(a) Provided that he shall not cast more votes than the number of candidates that require to be elected and shall not cast more than one vote in favour of any particular person.

(b) the Chairman assisted by two tellers appointed by him from amongst the members shall count the votes cast and shall declare elected the person or persons who have the most votes;

(c) if a number of candidates have received the same number of votes, and if a single candidate having received that number of votes would have been elected, the Chairman shall require the Electoral College to vote again to decide which of the candidates with equal votes shall be elected and for this purpose shall provide each member with a fresh voting paper.

(2) Any voting paper improperly completely shall not be used in counting votes.

17. The Special Court established under the Electoral Law shall have the same functions in relation to elections held under these Regulations as it has in relation to elections held under the Electoral Law.

18. So soon as the Governor requests the Katikiro to submit a name or names for the appointment of a person or persons as a Representative Member or Members of the Legislative Council the Katikiro shall summon the Electoral College to meet on a convenient date and if the Electoral College has not yet been elected shall fix all the necessary dates for elections to the Electoral College.

19. (1) When the Electoral College meets on the first occasion it shall elect a Chairman from amongst its members who shall thereupon and on each subsequent occasion when the Katikiro summons the Electoral College fix a day within seven days of his election by which nominations of candidates for submission to the Governor shall be submitted to him.

(2) Nominations shall be in writing and shall be submitted to the Chairman by not less than three members of the Electoral College.

20 (1)Persons may be nominated as candidates for recommendation to the Governor whether or not they are members of the Electoral College.

(2) No person shall he nominated as a candidate for submission to the Governor if-

(a) he is in prison, or

(b) he is not literate in the English language, or

(c) he is not resident in Buganda, or

(d) he is not twenty-one years of age.

21. (1) The Chairman of the Electoral College shall prepare a list of the persons who have been duly nominated and shall so soon as convenient summon the Electoral College and cause copies of the list to be laid before it.

(2) If the number of persons who have been duly nominated does not exceed the number of candidates required the Chairman shall forward the names of these persons to the Katikiro for submission to the Governor for appointment as Representative Members of the Legislative Council.

(3) If the number of persons who have been duly nominated exceeds the number of candidates required the Electoral College shall proceed forthwith by secret ballot to elect the required number of candidates from among the persons nominated.

22 (1) Elections by the Electoral College shall be conducted in the following manner-

(a) each member shall be given a voting paper on which the names of the persons duly nominated are written and shall cast his vote in favour of the person or persons whom he wishes to be elected by putting a cross against the name of each such person on the voting paper.

Provided that he shall not cast more votes than the number of candidates that require to be elected and shall not cast more than one vote in favour of any particular person.

(b) the Chairman assisted by two tellers appointed by him from amongst the members shall count the votes cast and shall declare elected the person or persons who have the most votes;

(c) if a number of candidates have received the same number of votes, and isf a single candidate having received that number of votes would have been elected, the Chairman shall require the Electoral College to vote again to decide which of the candidate with equal votes shall be elected and for this purpose shall provide each member with a fresh voting paper.

(2) Any voting paper improperly completed shall not be used in counting votes.

23. The Chairman of the Electoral College, after an election, shall forthwith forward to the Katikiro the names of the person or persons elected and the Katikiro shall thereupon submit the names of such person or persons to the Governor for appointment as Representative Members of the Legislative Council.

24. (1) Any person who in respect of elections under these Regulations acts in a manner which, in respect of elections under the Electoral law, would be an offence under that Law shall be guilty of an offence under these Regulations and shall on conviction be liable to the same penalty as he would have been liable if he had been found guilty of a similar offence under the Electoral Law.

(2) Any offence against these Regulations shall be triable, if the offender is an African, by the Principal Court established under the Buganda Courts Ordinance of the Uganda Protectorate.

APPENDIX

FORM A

(Regulation 14)

I ……of ……..in the Muluka of……in the Gombola of ……..in the Saza of…….. offer myself for election as a representative of the Saza of ……..in the Electoral College.

……

Signature of Candidate.

……

Signature of Chief

Date……

FORM B

(Regulation 16)

I ……Saza Chief……..declare that the following were elected in my Saza as Saza Representatives in the Electoral College:

Name Saza

……..
……..

……..
……..

……..
……..

……..

Signature of Chief

At ……..

On……19…….

……..

……..

……..

Signature of Chairman

Secretary and Examiners

THIRD SCHEDULE

The Uganda Agreement (Judicial),1905

The Uganda Memorandum of Agreement (Forests), 1907

The Uganda (Payment of Chiefs) Agreements 1908

The Buganda Agreement (Allotment and Survey) 1913

The Uganda Agreement (Poll Tax), 1920

FOURTH SCHEDULE

1. For the expression "the Kingdom of Uganda" whenever it occurs throughout there shall be substituted the expression "the Kingdom of Buganda".

2. Article l. Delete the word "Uganda" in the last sentence and substitute the word "Buganda".

3. Article 6. Delete the first sentences, ending with the expression "subject such sentence to Reconsideration".

4. Article 8. Delete this Article.

5. Article 9. Delete this Article except for the sixth sentence, which begins with the words "When arrangements have been made", and the last sentence.

6. Article 10. Delete this Article.

7. Article 11. Delete this Article.

8. Article 12(a) Delete the expression "guided by a majority of votes in his native council" in the third sentence and substitute " guided by a resolution passed by a majority of votes in the Great Lukiko"

(b) Delete the expression "province of Uganda" whenever it occurs and substitute province of Buganda"

FIFTH SCHEDULE

The Buganda Agreement (Native Laws), I910

The Buganda (Declaratory) Agreement (Native Laws), 1937

SIXTH SCHEDULE

EXTRACT FROM THE REPORT OF THE SUB-COMMITTTEE OF THE LUKIKO SET UP TO EXAMINE THE RECOMMENDATIONS MADE

BY THE HANCOCK COMMITTEE

"The Hancock Committee proposed that the Baganda representatives should be elected by the Lukiko itself. We think, after very careful consideration that they should be directly elected by the people – whom they will represent".

SIGNED this eighteen day of October, 1955.

For and on behalf of

Her Majesty Queen Elizabeth, II — A.B. COHEN

Governor

For and on behalf of the

Kabaka, Chiefs and People of Buganda — MUTESA

Kabaka

WITNESSES:

C. H. HARTWELL

M. KINTU

R. DRESCHFIELD

A.M. GITTA

L.M. BOYD

B.K. KAVUMA

K.S. MALE

A. KALULE SEMPA

Y.K LULE

R.M. KASULE

A.K. KIRONDE

D.S. MUSOKE MUKUBIRA

C.A.L. RICHARDS

D. SERWANIKO

L. SSENDAGALA

A. KIRONDE

Y.M. YAKUZE

H. M.N. KIBIRIGE

JUMA TAMUSANGE

ANDREA K. LUBECA

SERWANO KAPALAGA

JOSEPH MUTEWETA

L. BASSUDE

D.K MUKASA

Y. MATOVU LUBOWA

E.M. K. MULIIRA

P. NTWATWA

SHEIK A. KASUJJA

E.M. KALULE

KENNETH DIPLOCK

DINGLE FOOT

J.G. MARTIN FLEGG

REASONS WHY KYAPA MUNGALO SCHEME IS A FRAUD

Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients.

(Source; http://bugandalandboard.or.ug/index.php?option=com_content&view=article&id=71&Itemid=137)

Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) Act is defined An Act to give effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or incidental to, or consequential upon, the foregoing.

Effect 118A of the Constitution of 1967 was incorporate to relegate the dictates of the 1961 Buganda Agreement that mandated the Buganda Land Board to be formed and later be managed like the Uganda Land Commision.Section

2 of the Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) under Restoration of assets and properties previously confiscated by the State states that , "……Subject to the other provisions of this section, any asset or property previously confiscated by the State from or in respect of or in relation to any traditional ruler under the Constitution of 1967 is, with effect from the commencement of this Act, transferred to that traditional ruler without any further assurance than this Act. A traditional ruler to whom any asset or property is transferred under this section shall, in the case of land, have the same estate or interest as was previously held by the Uganda Land Commission in respect of that land……."

But while forming the Uganda Land Commission vide the 1961 Buganda agreement, it was clearly stated that,"

Extract from the 1961 Buganda Agreement

Effect 6 of paragraph 19 of the 1961 Buganda agreement states that," The transfer of land to the Buganda Land Board in pursuance of this article shall not affect the obligations and rights of existing leeses and licensees or other guarantees".

This rule at inception is clear and collaborated with the effects of Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) Act is defined An Act to give

effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or incidental to, or consequential upon, the foregoing. "……..Subject to the other provisions of this section, any asset or property previously confiscated by the State from or in respect of or in relation to any traditional ruler under the Constitution of 1967 is, with effect from the commencement of this Act, transferred to that traditional ruler without any further assurance than this Act. A traditional ruler to whom any asset or property is transferred under this section shall, in the case of land, have the same estate or interest as was previously held by the Uganda Land Commission in respect of that land……."

In furtherance the legal framework of article 26 of the Ugandan Constitution has been given Supremacy by the Ugandan Supreme Court.

Article 118A of the Constitution of 1967 that is targeted by the Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) under Restoration of assets and

properties previously confiscated by the State has been put here below for your consideration.

118. (1) There shall be-

(a) for Uganda, a Land Commission; and

(b) for each Federal State and each District, a Land Board.

(2) The Land Commission shall consist of not more than five members who shall be appointed by the President.

(3) The Land Board for the Kingdom of Buganda shall consist of not more than eight members who shall be appointed by the Kabaka, acting in accordance with the recommendation of the Kabaka's Council of Ministers.

(4) The Land Board for a Federal State (other than the Kingdom of Buganda) or a District shall consist of not more than eight members who shall be appointed

(a) in the case of a Federal State or of a District having a constitutional head, by the Ruler or constitutional head of the State or District, acting in accordance with the recommendation of the Legislative Assembly of the State or Council of the District, signified by resolution;

(b). in the case of a District not having a constitutional head, by resolution of the Council of the District.

(5) A person shall not be qualified for appointment as a member of a Land Board unless he has such qualifications as may be prescribed by Parliament:

Provided that at least one member of a Land Board shall be appointed from amongst persons who are representatives of the traditional interests in land in the territory for which the Board is established.

(6) The office of a member of the Land Board shall become vacant

(a) at the expiration of such period, after his appointment, as may be prescribed by or under any Act of Parliament;

(b) if any circumstances arise that would cause him to be disqualified for appointment under sub section (5) of this section; or

(c) in such other circumstances as Parliament may prescribe.

(7) The Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or

acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the. Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.

(9) The functions of a Land Board of a Federal State shall be exercised on behalf of the Ruler and the functions of a Land Board of a District having a constitutional head shall, if the Council of the District so determine by resolution, be exercised by the Board on behalf of the constitutional head of the District.

(10) The provisions of subsection (7) and (8), of this section shall be without prejudice to the provisions of any law relating to

(a) the compulsory acquisition or taking possession of any land;

(b) mines, minerals, forests or national parks; or

(c) the tenure, use or management of land.

(11) Subject to the provisions of this section, Parliament may make provision for the tenure of office of members and the procedure of the Land Commission or a Land Board and for regulating the Commission or a Board in the performance of its functions.

The framers of this Chapter 247, The Traditional Rulers (Restitution of Assets and Properties) under Restoration of assets and properties previously confiscated by the State had the intentions of doing restitution for what the kingdom used to before 1966 when the Kingdom was attacked. It was never their intentions to get peoples private mailo land and give it to a click of people who would then illegally make encumbrances thereon under the guise of the Buganda Land Board a private registered corporation sole that was made to inure to the benefit of a click of individuals at the expense of both the Buganda Kingdom subjects and the mailo land lords who are the legitimate owners of such lands and it's this that causes the scintilla of fraud that is being done by the click at Bulange working under the Buganda Land Board existing now.

We will agree that Section 59 of the Registration of Titles Act to argue that possession of a Certificate of title by a registered person is conclusive evidence of ownership of land described therein. We will also refer to Section 176 (c) of the Registration of Titles Act to argue that a registered proprietor of land is protected, save for fraud 'fraud'. He referred to cases of *John Katwiremu & Anor (1977) HCB 187, and Mudiima Issa & 8 Others versus Elly Kayanja & 2 Others; Civil Suit No. 232/2009* for emphasis of the holding that under Section 61 (now 59) of the

Registration of Titles Act, once a person is registered as proprietor of land, his title is indefeasible except for fraud. We will also need to refer to case law including *Mayanja J. B versus Lawrence Maggato Guta; HCT CS NO. 727/2006*, to argue that fraud must be proved by evidence, not by submissions based on pleadings. The Plaintiff's Counsel argued for the dismissal of the counterclaim on grounds above.

In the case concerning Kyapa Mungalo where *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited* *have issued Leases over private mailo titles for example on Block 371 at Wakiso for land registered in the names of an individual minus his consent is not in line with the law. The other example will be titles that have been issued on Block 269 Wakiso at Mutungo for land registered in the names of Yusuf Kiwewa Suuna among others is illegal. For block 269, we are referring to the place at Mutungo were the Mirembe Villas are situated.*

In my most considered view the acts and circumstances in which *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited* got registered on the Register of the suit property was dishonest, willful perversion of the truth, a total false misrepresentation of the truth to deprive the beneficiaries of such estates of their legal right of being the owner and

registered proprietor of the suit property. Therefore *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited*'s registration was illegal and fraudulent and no Court of law would uphold it or allow her to take advantage of it. Law does not permit a grantee of a Power of Attorney to derive personal benefits directly from its exercise or the discharge of personal liabilities when they are not interests of the grantor expressly provided for by law or the grant for it's the powers of attorney that is done and used in these titles giving a private limited company by the names of Buganda Land Board that is the agent in the deal. In the instant case if the registered proprietor had intended to transfer the property in the names of the alleged Attorney he should have done so by executing a transfer deed. The Registrar of Titles ought to have rejected this illegal transfer and any diligent search should have included investigation of the entry into the Register immediately before his/her purchase which called for seeking of the Instruments (Transfer deed) that gave rise to registration of his/her seller. This in my view would constitute a diligent search of the Register. With the substantive evidence above we believe that the fraud has been substantially defined and evidence adduced. However the law also requires to legally define the fraud using case law to prove the fraud alleged.

Fraud has been adequately defined by superior of Courts in Uganda. In Fredrick J. K. Zaabwe Vs Orient Bank Ltd. Civil Appeal No. 4 of 2006 (Supreme Court) which has been widely followed stated that fraud is *"intentional perversion of the truth for purposes of inducing another in reliance upon to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact whether by word or by conduct, by false or misleading allegations, or by concealments of that which deceives and is intended to deceive another so that he shall act upon it to his legal injury." "... Anything calculated to deceive, whether by a single act or culmination, or by suppression of truth, or suggestion of what is false, whether it is by direct falsehood or the innuendo by speech or silence, word of mouth, or look or gesture ... a generic term, embracing all multifarious means which human ingenuity can devise and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated...*

After having adduced the fraud that we are talking about affecting Block 371 wakiso and Block 269 wakiso and presenting the evidence many people will argue that the Buganda Land Board is not liable for the fraud and will want to quote the decision in The Republic Of Uganda

In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board Applicant versus John Wampamba ,Respondent Ruling were the learned Lord Justice EVA K. LUSWATA JUDGE on 20/02/2014 ruled that, No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned. "Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent

person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs.

The question will then be given the above ruling, under what legal merit does the Buganda Land Board sell peoples land for private mailo given that its legal existence was declared null and void?

In its writ that will be subsequently attached as evidence we will show that Buganda Land Board is the agent of the *Person of The Kabaka, Muwenda Mutebi Ronald, who with his cronies did incorporate the same as there agency as a private incorpration in nature and not in line with the dictates of the 1961 Buganda Agreement, The 1962 Consititution, The 1967 consititution, The 1995 Consititution and Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) under Restoration of assets and properties previously which entity works as the special purpose vehicle that connives with the Ministry of Lands Officials to forge land titles under leases on private mailo land irrespective of the consideration of the legal effect 68 that states that, History of various dealings affecting land to be preserved. Such references shall be noted in the Register Book and on instruments filed hereunder as will allow the title to be traced either downwards from or upwards to the original certificate of*

title; but it shall not be necessary in any certified copy of any grant, certificate or instrument to insert such references; and every such copy shall be deemed complete, notwithstanding the omission of such references and that is also done ultra vires the requirements in section 176 e of the Registration of titles act. Effect 176 of the Registration of Titles act cap 230 states that," Registered proprietor protected against ejectment except in certain cases. No action of ejectment or other action for the recovery of any land shall lie or be sustained against the person registered as proprietor under this Act, except in any of the following cases—

1. *the case of a mortgagee as against a mortgagor in default;*
2. *the case of a lessor as against a lessee in default;*
3. *the case of a person deprived of any land by fraud as against the person registered as proprietor of that land through fraud or as vb against a person deriving otherwise than as a transferee bona fide for value from or through a person so registered through fraud; were Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited got registered on the Register of the suit property was dishonest, willful perversion of the*

truth, a total false misrepresentation of the truth to deprive the beneficiaries of such estates of their legal right of being the owner and registered proprietor of the suit property. Therefore Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited's registration was illegal and fraudulent and no Court of law would uphold it or allow her to take advantage of it. Law does not permit a grantee of a Power of Attorney to derive personal benefits directly from its exercise or the discharge of personal liabilities when they are not interests of the grantor expressly provided for by law or the grant for it's the powers of attorney that is done and used in these titles giving a private limited company by the names of Buganda Land Board that is the agent in the deal. In the instant case if the registered proprietor had intended to transfer the property in the names of the alleged Attorney he should have done so by executing a transfer deed. The Registrar of Titles ought to have rejected this illegal transfer and any diligent search should have included investigation of the entry into the Register immediately before his/her purchase which called for seeking of the Instruments (Transfer deed) that gave rise to registration of his/her

seller. This in my view would constitute a diligent search of the Register. With the substantive evidence above we believe that the fraud has been substantially defined and evidence adduced. However the law also requires to legally define the fraud using case law to prove the fraud alleged.

4. *the case of a person deprived of or claiming any land included in any certificate of title of other land by misdescription of the other land or of its boundaries as against the registered proprietor of that other land not being a transferee of the land bona fide for value;*

5. *the case of a registered proprietor claiming under a certificate of title prior in date of registration under this Act in any case in which two or more certificates of title may be registered under this Act in respect of the same land, where the land on block 269 at wakiso was registered in the early 19th Century under the names of Yusufu Suuna Kiwewa. Ssuna has a title to a mailo interest because he was issued with a Final Mailo Certificate No 18570 on June 6, 1906 and his interest is traceable to the 1900 Buganda agreement under which the four brothers of Kabaka Sir Daudi Chwa namely; Princes Joseph, Augustine, Ramzan and*

Yusufu Ssuna were each given eight square miles. Four of of Ssuna's eight square were surveyed and recorded on Cadastral "Cartridge" Map Sheets 71/1/21 and 22 and 71/3/1 and 3 at the department of Mapping and Surveys, Entebbe, which reveal the following details:

Place: Bunamwaya, Lweza., Lubowa, Naziba, Nakukuba and Mutungo.

Final Certificate: 18570

Provisional Certificate: 6726

Final Certificate Area: 4 Square Miles

Owner: Yusufu Ssuna Omulangira.

Date: 6th June 1906

and in any case other than as aforesaid the production of the registered certificate of title or lease shall be held in every court to be an absolute bar and estoppel to any such action against the person named in that document as the grantee, owner, proprietor. So in the case before us the titles that have been presented and prepared for the Mirembe Villas are titles that are existing on Yusufu Saunas Title that were forged thereon by the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited in connaivance with the commissioners of registration of titles ultra vires

the law hence putting the Buganda Land Board into liability.

In 1903 Ssuna leased 843.6 acres at Nakukuba and Mutungo and 708.8 acres at Lweza, Lubowa and Naziba to Captain Hill and Mr Ormsby respectively under Grant numbers G.8843 and G. 9854. ***The procedure in which Europeans could take interest in mailo land was provided for under the Crown Lands Ordinance 190 which covered both Crown land and mailo land leased to Europeans. The following sections are pertinent:10. No lease of Crown land (read mailo land as well) shall exceed ninety nine years.| 14. Except where expressly varied or excepted there shall be implied in every lease under this Ordinance covenants by the lessee (a) not to assign, except by will, the land leased or any part of it without the previous consent of the Commissioner (Governor.)***

Under the Registration of Titles Ordinance, 1908, it was provided that ***"in cases in which the land shall have been surveyed and demarcated by the Government surveyor the land officer would prepare a duplicate in the prescribed forms of (a) all Crown Grants of land both in fee and a for term of years and (b) of all Final Mailo Certificates issued by Government to native owners."***

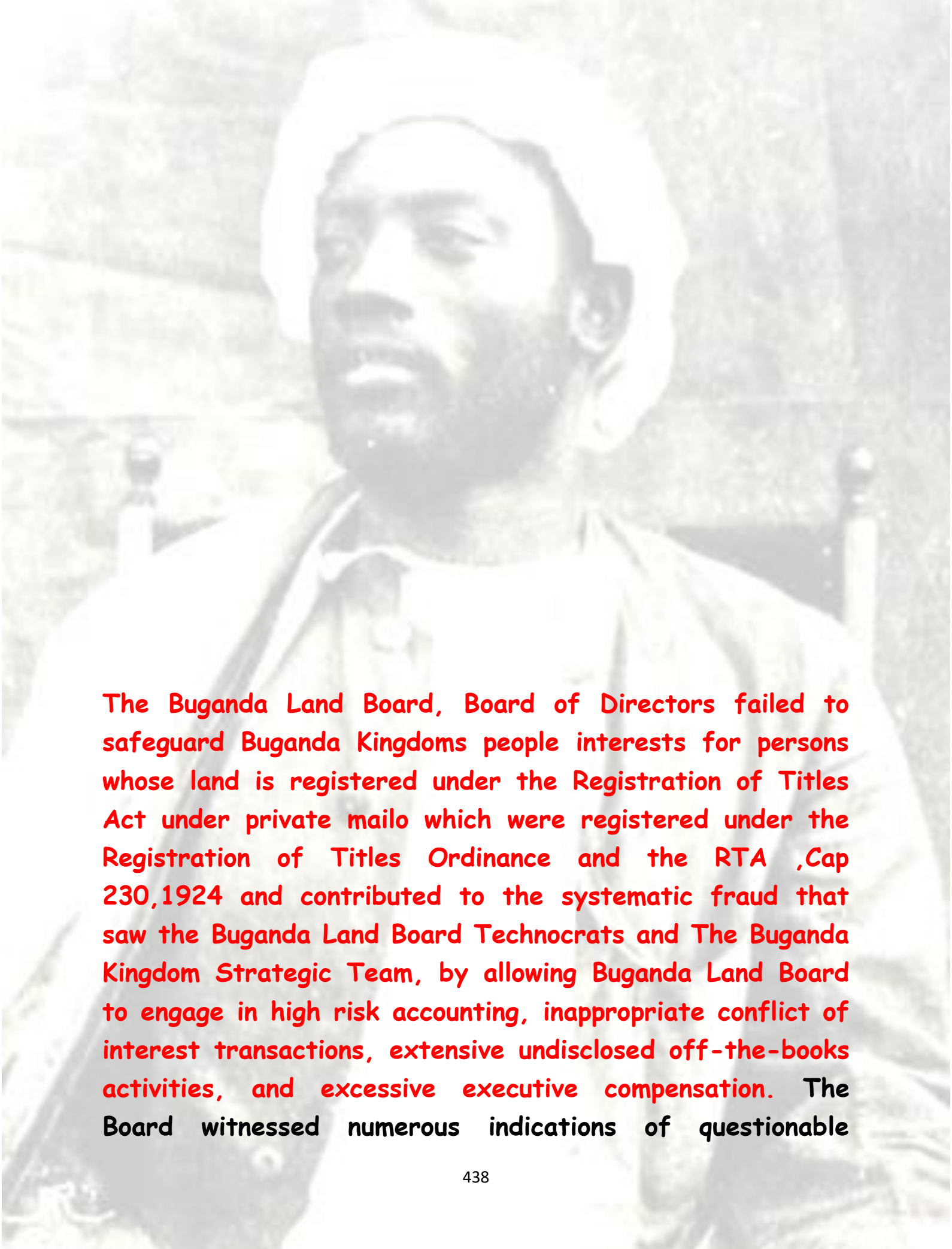
Accordingly, there should be two types of titles to this land namely one representing the Grants to Capt. Hill and

Mr Ormsby and another title to mailo land in the names of Yusufu Ssuna. Indeed SSuna's mailo interest was registered in Mailo Register 273 Folio 2 but for reasons only known in the land office the description of the land was changed to Mailo Register Volume 82 Folio 1.

The interests in the Grants expired in 2002 on lapse of the ninety nine year terms.

Unfortunately, the land office converted Ssuna's mailo interest represented in Mailo Register Volume 82 Folio 1 into freehold contrary to the provisions of the law and issued a freehold title deed to Uganda Company (Holdings) Ltd in Freehold Register Volume 82 Folio 1 meaning that Ssuna's mailo reference was used for a freehold title and at Mutungo Kigo they have registered an interest in Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited in connaivance with the commissioners of registration of titles ultra vires the law hence putting the Buganda Land Board into liability as an agent. Subsequently we will be obliged to describe the liability of the Buganda Land Board in this most brazen theft.

DYMYSTIFYING SOME OF TH MOST BRAZZEN THEFTS THAT HAVE INCORPORATED A NUMBER OF CORPORATES TO CONCEAL Their COMPLEX NATURE.FRAUD ENGINEERD BY PERSON OF THE KABAKA, MUWENDA MUTEBI RONALD, BUGANDA KINGDOM AND THE BUGANDA LAND BOARD PRIVATE LIMITED IN CONNAIVANCE WITH THE COMMISSIONERS OF REGISTRATION OF TITLES



The Buganda Land Board, Board of Directors failed to safeguard Buganda Kingdoms people interests for persons whose land is registered under the Registration of Titles Act under private mailo which were registered under the Registration of Titles Ordinance and the RTA ,Cap 230,1924 and contributed to the systematic fraud that saw the Buganda Land Board Technocrats and The Buganda Kingdom Strategic Team, by allowing Buganda Land Board to engage in high risk accounting, inappropriate conflict of interest transactions, extensive undisclosed off-the-books activities, and excessive executive compensation. The Board witnessed numerous indications of questionable

practices by Buganda Land Board management over several years, but chose to ignore them to the detriment of Buganda Kingdom Subjects, shareholders, employees and business associates.

High Risk Accounting. The Buganda Land Board, Board of Directors knowingly allowed Buganda Kingdom to engage in high risk accounting practices. The check uptime would have risen when the Ugandan Courts of law ruled of the illegality of the Buganda Land Board in the case of The Republic Of Uganda In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant)Versus John Wampamba (Respondent). Were it was ruled by the learnt Lord Justice , Honourable Lady Justice Eva K. Luswata that, "……The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that: "The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs. I so order……..) . This would have been the most opportune time to check the performance of the organization and reengineer it to suit the legal requirements expected of it. This was never done, they simply went on continuing to do transactions using a body that was illegal by law and for which the declaration had been given. Given the nature of reporting that happens to be predominant driven by non but the Transparent man " Charles Peter Mayiga" this was never communicated to the public which would have led the public to contest his ethical compliance, however nothing was done and as a result the whole country has been exposed to one of the classic fraudulent heists.

Inappropriate Conflicts of Interest. Despite clear conflicts of interest, the Buganda Land Board, of Directors approved an unprecedented arrangement allowing Buganda Land Board's Chief Executive Officer to establish and operate the Land sales scheme known as Kyampa Mungalo

on private mailo contrary to the expected legal framework in which he transacted business with M.B,K Surveying company which had the company's Kizito Bashir who also doubled as a strategic manager in the Buganda Land Board use his survey firm without doing related party disclosures in the accounting books as required by law following the international financial reporting standard relating to related Party Transactions, an action which is illegal and ultra vires the combined code of corporate governance and in furtherance profited at expense *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited*'. This illegal act that was practicesed by Kizito Bashir who doubles as Ag. Managing Director, Mr. Kizito Bashir and also a close person in the M.B.K surveyors Limited. The Board exercised inadequate oversight of M.B.K surveyors Limited transaction and failed to protect expense *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited*' and subjects from unfair dealing and from preventing the public being fleeced by the strategic management of the Buganda Land Board. Much as the information of the corporate website indicates the relationship of Kizito Bashir and MBK that," MR. KIZITO BASHIR JUMA,HEAD PHYSICAL PLANNING, SURVEY AND RESEARCH, Holds a Bachelor of Science degree in Surveying (Hons) of Makerere University and a Diploma in

Law of the Law Development Centre. Worked in private practice since 2003 (MBK Surveyors Ltd) till 2007 when he joined Nakaseke District Local Government as Staff Surveyor and later as a District Staff Surveyor. Member of the Institute of Surveyors of Uganda (ISU). None of this information is disclosed in the corporate financials and group financials of the Buganda Land Board and Buganda Kingdom financials as required by the accounting standards. The procedure in which survey work of material nature was allocated to the above firm was also never explained in line with the applicable accounting standard. This information is sufficient for the public to claim an element of insider dealing which in Uganda is attracts both a legal charge under capital and criminal offence.

The Americans were the first to decide that insider dealing was a bad thing. The Securities and Exchange Commission was given armies of investigators to hound transgressors. The British followed in 1980, though at first half-heartedly. It was only in 1985 that the Companies Securities (Insider Dealing) Act gave teeth to the law. It declared that insider dealing occurs 'when an insider privy to the affairs of a company passes on price-sensitive information to a third party, either to produce profit or to avoid loss'. The Criminal Justice Act 1993, which has just come into force, says the 'insider' no longer has to have anything to do with the company

involved. The Kingdom people are squealing, saying the new rules could throttle the legitimate workings of the market.

Going by the matters at hand , the corporate Board of the Buganda Kingdom were aware of the above case and the illegality of the Buganda Land Board. They instead went ahead and allowed a fraud to formulate a fraudulent product which has seen people more so our subjects face one of the biggest land fraud schemes that have got them privy to useless paper in form of title, which if presented anywhere to a sober person will be dropped off as trash.

The cases of insider dealing are criminal. We may not have an act that specifically spells out repercussions for the same but we can borrow precedent that is allowed for legal presentation among our legal peers. Examples are given below for your consideration.

The Securities and Exchange Board of India banned Reliance Industries Limited from the derivatives sector for a year and levied a fine on the company. The exchange regulator charged the company with the intention of making profits by skirting regulations on its legally permissible trading limits and lowering the price of its stock in the cash market.

Shares of ImClone took a sharp dive when it was found out that the FDA rejected its new cancer drug. Even after such a fall in the share price, the family of CEO Samuel

Waskal seemed to be unaffected. After receiving advance notice of the rejection, Martha Stewart sold her holdings in the company's stock when the shares were trading in the $50 range, and the stock subsequently fell to $10 in the following months. She was forced to resign as CEO of her company and Waskal was sentenced to more than seven years in prison and fined $4.3 million in 2003.

In 2006, Yoshiaki Murakami made $25.5 million by using non-public material information about Livedoor, a financial services company that was planning to acquire a 5% stake in Nippon Broadcasting. His fund acted upon this information and bought two million shares.

Joseph Nacchio made $50 million by dumping his stock on the market while giving positive financial projections to shareholders as chief of Qwest Communications at a time when he knew of severe problems facing the company. He was convicted in 2007.

Raj Rajaratnam made about $60 million as a billionaire hedge fund manager by swapping tips with other traders, hedge fund managers, and key employees of IBM, Intel Corp, and McKinsey & Co. He was found guilty of 14 counts of conspiracy and fraud in 2009 and fined $92.8 million.

Penalties for Insider Trading

If someone is caught in the act of insider trading, he can either be sent to prison, charged a fine, or both. According to the SEC in the US, a conviction for insider trading may lead to a maximum fine of $5 million and up to 20 years of imprisonment. According to the SEBI, an insider trading conviction can result in a penalty of INR 250,000,000 or three times the profit made out of the deal, whichever is higher.

In a case like this where knowledgeable people in the Buganda Kingdom used a special purpose vehicle which the law had declared illegal to fleece people. It would be important that courts of law and the commissions of inquiry consider more of the substance than the legal form of the transactions performed by these people and bring them to book about one of the most brazen thefts. The rule that where one of two innocent parties must suffer from a wrong, he must bear the loss whose action enabled the wrong to be done. a recent case in the courts of law, it was shown that this rule, at best, is one applicable only in peculiar emergencies, and the limitations upon it were very clearly pointed out by Judge FINCH. (*Rapps* v. *Gottlieb,* 142 N.Y. 164.). A further argument is made founded upon the doctrine that where one of two innocent parties must suffer from a wrong he must bear the loss whose action enabled the wrong to be done; but that doctrine applies only in an emergency. It solves

problems which have no other solution; it supplies a ground of decision where all others are absent; it operates as a reason when nothing else can master the situation; it is a rule of last resort, applicable only where all others fail; it is a doctrine subordinate and not dominant, which reverses no other, but submits to the authority of all, and is adequate to an ultimate decision only when it has the field to itself. Any wider view of it would make it a disturbing force, tending to unsettle and destroy the most firmly fixed doctrines of the law. It is good and useful — in its place — but will always make trouble if not kept where it belongs. Applied to this case it would, as I have already suggested, destroy the doctrine which we have long and steadily held, that the assignee of a title takes no greater right than belonged to the original title holder, for the apparent title holder who does not owe the debt and the assignee who has parted with his money may each be innocent and one must suffer, and that one would be the party who signed the title deed and set in motion the sequence of results. If it is always remembered that the doctrine as to innocence on both sides operates only when other solutions are not available, or possibly in aid of proper solutions, very much of needless confusion will be avoided.

The above reasoning will be trite where people who had been privy to the ruling that the organization they run was

an illegality went ahead to use the same as a special purpose vehicle. They connived with officials at the Ministry of Lands who they will disclose and started forming titles over land that was previously registered as mailo. Among the titles that are affected are some of those for which a missive was written requesting for the withdrawal of microfilms by the former commissioner of titles Sarah Basangwa Kulatta put here below.

The letter requesting for Microfilms is here below together with the response. This marked the advent of one of the most systematic fraud conducted by the Ministry of Lands Officers and the technical team at the Buganda Land Board at the expense of the Ugandan citizens. If we were to ask what it was that the Buganda Land Board technical team did to enable the wrong in this case to be committed, it would be difficult for the learned counsel to answer it and the same would suffice for any intelligent bystander privy to this case. The only answer to be found in his argument is that the Buganda Land Board technical team signed the deed; but it has been shown, I think, that Buganda Land Board technical team inclusion in this proposition has no real foundation, in fact or in law because the entity was rendered illegal and the same has for all along been known to the Shareholders and the management of their agency known as the Buganda Land Board. Moreover, although the Buganda Land Board's

signature to the paper is genuine, procured by some trick or artifice and this acts must be imputed to Buganda Land Board before any one can say that Buganda Land Board, in any degree, contributed to the success of the fraud. There was no act or declaration on Buganda Land Board part that enabled any one to deceive third parties by means of a false record. That record was made by the production of a spurious paper to the notary, who was, in some way and by another trick or artifice, induced to attach his official signature to a false certificate and it's this which causes the Scintilla of the claim.

I have said that the authors' claim rests upon a spurious or fabricated paper, but this expression does not describe the true character of the instrument. It was simply a forgery in every legal or moral aspect in which it can be considered. That crime is defined by the common law to be the fraudulent making of a writing to the prejudice of another's rights (4 Black. Com. 247), or the making *malo animo* of any written instrument for the purpose of fraud and deceit. (2 East P.C. 852.) The false making of an instrument which purports on its face to be good and valid for the purpose for which it was created, with the design to defraud. (1 Leach, 366; Black's Law Dic. 508.) The false making or material alteration, with intent to defraud, of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability. (2

Bish. Crim. Law, § 523.) The fraudulent making of an instrument in writing to the prejudice of another's rights. (*People* v. *Cady*, 6 Hill, 490; *People* v. *Shall*, 9 Cowen, 778; *People* v. *Harrison*, 8 Barb. 560; *Harris* v. *People*, 9 Barb. 664.) So it is held that forgery may be committed by fraudulently procuring the signature of another to an instrument which he has no intention of signing. (*State* v. *Shurtliff*, 18 Me. 368; *Gregory* v. *State*, 26 Ohio St. 510; *Com.* v. *Foster*, 114 Mass. 311.) The true character of the instrument which is the sole basis of the Buganda Land Boards' contention is well illustrated by the case of the *State* v. *Shurtliff* (*supra*). In that case a party agreed with another to sell to him one acre of his farm, and the intended grantee procured a draft of a deed describing the one acre intended to be conveyed, and presented it to the grantor who examined it and found it correct. The execution of this deed was, however, delayed and the draft remained with the grantee, who afterwards fraudulently procured the draft of another deed which covered and described the grantor's whole farm, and presented it to the latter for execution as the deed before examined, and it was executed and delivered. The grantee was convicted of forgery, and upon a review of the case upon appeal the court said: "Forgery has been defined to be a false making, or making *malo animo*, of any written instrument for the purpose of fraud and deceit. (2

Russ. 317, and authorities there cited.) The evidence fully justifies the conclusion that the Person of the Kabaka of Buganda, Ronald Muwenda Mutebi, Buganda Land Board Limited and the technocrats of the Buganda Kingdom in party with the shareholders falsely made and prepared the instrument set forth in the Kyapa Mungalo Scheme on private mailo land, with the evil design of defrauding the party whose deed it purported to be(THE KIBANJA HOLDER) at the expense of the originally registered mailo land owner and at the expense of the unknowing kibanja holder. It is this which then explains the fraud to the bone.

The Buganda Kingdom officials cannot distance themselves from the knowledge of this fraud for it can be substantiated with the evidence below which was given to the strategic management team of the Buganda Kingdom who also have a beyond arm's length relationship with the Buganda Land Board officials. Evidence can be seen below and His Excellency President Museveni is the number one witness in this matter.

It is not necessary that the act should be done in whole or in part by the hand of the party charged. It is sufficient if he cause or procure it to be done. The instrument for Kyapa Mungalo done on private mailo was false. It purported to be the solemn and voluntary act of the grantor, in making a conveyance, to which he had never

assented. The whole was done by the hand, or by the procurement, of the Buganda Land Board with the support of the Buganda Kingdom and the person of the Kabaka of Buganda, Ronald Muwenda Mutebi. It does not lessen the turpitude of the offense that the party whom he sought to defraud was made in part his voluntary agent in effecting his purpose. If he had employed any other hand, he would have been responsible for the act. In truth the signature to that false instrument, in a moral and legal point of view, is as much imputable to him as if he had done it with his own hand. The art and management has no tendency to mitigate the charge, and the opinion of the court in my opinion will be, that the crime of forgery has been committed. When the false making, with an evil design, is proved artful subterfuges in defense have been disregarded, of which many of the cases cited for the government are illustrations." It must be admitted that the case from which this quotation is taken was not nearly so rank in its general features as the case at bar. The grantor in that case intended to execute a deed, and it was executed and delivered, and, moreover, it was not infected, as the instrument in this case is, with the vice of a false certificate of acknowledgment. So that when the instrument under which the *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited'* now claim was placed among the

public records, it was nothing but a forgery. It was not only a forgery at common law, but a forgery by statute. The term "forgery" includes now, as it always did, the false making of a written instrument (Penal Code), and it is forgery to utter or put off as true, with intent to defraud, a forged deed, knowing it to be forged. Placing the so-called deed in this case upon record, with intent to defraud, was an "uttering or putting off as true," within the meaning of the statute. (*Paige* v. *People*, 3 Abb. Ct. App. Dec. 439.) Moreover, a false certificate of an acknowledging officer to an instrument purporting to be a deed, that the same was acknowledged by a party thereto, is forgery under the Penal Code, and while the absence of knowledge or a criminal intent on the part of the officer would absolve him from liability, yet that circumstance cannot, of course, change the character of the instrument of which the certificate is an essential part, or make it any the less a forgery. With all this explained you are able to see that the people holding Kyapa Mungalo that was curved out of Mailo Land originally registered under private mailo land is a classic fraud that has never been committed on the people of Buganda by none other than there own, the *Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited* and evidence for this can be exhibited with the information below which shows that the value chain was

aware of the debacle they were causing the citizens of Uganda.

That the certificate attached to the paper in question was false, is not, and cannot be, denied. It is found that the party to whom the banks loaned money upon fictitious mortgages procured the officer to make the false certificate by some trick or artifice, and by the Penal Code one who directly or indirectly induces or procures another to commit a crime is a principal. (*People* v. *Fitzgerald*,156,N.Y.253; *People* v. *McKane*, 143 N.Y. 455.). This is the wisdom with which the parties you previously so in the photographs in the pages behind should be legally considered.

EVIDENCE OF THE HANDOVER OF THE TITLES TO BUGANDA KINGDOM BY THE PRESIDENT OF UGANDA

Daily Monitor

Museveni hands over 80 land titles to Buganda Kingdom

TUESDAY JUNE 30 2015

Buganda Premier Charles Peter Mayiga receives the land titles from President Museveni at State House Entebbe. Courtesy Photo

By Monitor Reporter

Government has returned over 80 land titles that were tumultuously taken from Buganda Kingdom.

While handing over the titles at State House Entebbe on Tuesday, President Yoweri Museveni stressed that that the titles have been returned so that the kingdom can use them for development.

"We decided to give the titles to the Buganda Kingdom Institution so that they may be used for development. I

am concerned by reports that Buganda administration was demanding Shs100,000 as registration fees," Mr Museveni said.

Mr Museveni added that peasants cannot be subjected to the rental conditions and that this was his understanding with Kabaka Ronald Mutebi. He also stressed that if the rates are commercialized they would create problems. Receiving the titles on behalf of Buganda, the kingdom premier Charles Peter Mayiga hailed the president who also made a contribution of shs 15m towards the Etoffali project.

Mr Mayiga also assured the president that the proposal on the land rates was not a commercial one but a voluntary arrangement. He revealed that it is not compulsory but a voluntary exercise for the people who are willing.

In April last year, the Government returned over 213 land Titles, comprising sub-county and county headquarters to the kingdom.

Other properties Buganda wants returned include markets, some landmark buildings, 9,000 square mile land and chiefs' properties expropriated in 1966.

DAILY MONITOR

Buganda to verify returned land titles

FRIDAY JULY 3 2015

Buganda Kingdom information minister Ssengendo Walusimbi (L) hands over land titles to the Buganda Land Board chief executive officer, Mr Kyewalabye Male, at Bulange, Mengo on Wednesday. PHOTO BY STEPHEN WANDERA

By Stephen Wandera

Kampala.

Mengo has directed Buganda Land Board (BLB) to verify the 80 land titles that government returned to the kingdom on Tuesday.

President Museveni handed over 80 extra land tiles to the kingdom prime minister, Mr Charles Peter Mayiga, at State House, Entebbe. In June 2014, government handed over the first batch of 212 land titles.

The return of the titles is part of the Memorandum of Understanding the government and Mengo, the seat of Buganda kingdom entered, last year.

While handing over the 80 titles to BLB, the kingdom's information minister, Mr Ssengendo Walusimbi, asked the monarchy's chief land custodian, Mr Kyewalabye Male, to verify them."We were given these titles with a list. Verity whether the folios given match with what is on the list and whether the titles match the description of the land," Mr Walusimbi said."It is now over 50 years when Buganda has got some of its properties, named ebyaffe although some of the land titles had been altered to freehold, which is illegal," he added.

Kingdom properties were confiscated by the government of ex-president Milton Obote when he abrogated the Constitution and abolished kingdoms in 1966.

Mr Walusimbi asked all squatters on the kingdom land to register with BLB. On the concerns by the President during the handover that the kingdom is evicting squatters, who fail to pay tenancy dues, Mr Walusimbi said the Katikkiro had clarified the matter."We are just registering people, an exercise that is voluntary," he said. Tenant problem Compensation: Although the monarchy's chief land custodian, Mr Kyewalabye Male, was grateful to government for returning the land, he was concerned that

it has squatters that have to be compensated. "The unfortunate thing is that the land was handed over to us without any resources accompanying to open its boundaries and register squatters," he said.

Registration: Mr Male also said it is to the advantage of tenants on Buganda Kingdom land to register for future development of the land. "The Shs100,000 we are charging is just a facilitation fee for land registration. The whole of Uganda with a population of over 35 million has only 700,000 people who have land titles," he said.

wouma@ug.nationmedia.com

You will realize that by the time that President Museveni handled over these titles, these parties where privy to a ruling declaring Buganda Land Board, their special purpose vehicle illegal which had been passed and they were part of it in 2014.(THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA LAND DIVISION MISC. CAUSE NO. 622 OF 2013 (ARISING FROM CIVIL SUIT NO. 244 OF 2013) BUGANDA LAND BOARD(APPLICANT) VERSUS JOHN WAMPAMBA (RESPONDENT) RULING,BEFORE HONOURABLE LADY JUSTICE EVA K. LUSWATA).

Source
https://ocaidopatrick.wordpress.com/2014/04/20/ebyaffe-giveaway/

Ebyaffe giveaway

Posted: April 20, 2014 in General, Kampala news, National

"What was robbed by the gun has been returned by the pen."M7 unbothered about Kabaka demands

By Patrick Ocaido

President Museveni has said that he does not care about the demands of the Kabaka as long as the masses are not concerned or affected by the demands in whatsoever way. 213 verified land titles were handed over to the kingdom.

"We do not want to cause a social crisis and yet we are still dealing with civilization. What does not concern the masses, I don't care. The rest will be handled by the law." Museveni said. Museveni said that what remained popular during the government-Kabaka Memorandum of Understanding that was signed in August last year was the interests of the population; he didn't want them to suffer.

According to the agreement, Museveni says that the land that is currently unutilized or unoccupied by locals as defined in the 1995 Constitution and Land Act will be given to Buganda. "But if this claimed land is occupied by bonafide locals, it will not be returned to Buganda." The

president said. He added that in situations where the land has been occupied by many locals even when their settlement on that land is not official, the government will negotiate with Kabaka Ronald Mutebi in terms of compensating him. But the occupants of this should not be evicted.

He added that as he works upon returning the commonly referred to as Ebyaffe leaders should be careful while mixing cultural and traditional issues with politics and administration, something that may lead to breakdown. "These properties are contentious because according to 1995 constitution and 1993 Traditional Leaders Act, we restored cultural institutions which were cultural and not administrative or political." M7 said.

He added, "The issue of a masaza and amagombolola are administrative, but I have turned down the idea of the lawyer and decided to give them back to the kingdom for development purposes." He commended Mengo for the positive support that they have given him and promised to return all their properties.While handing over 213 land titles to Buganda's minister Apollo Makubuya, Joint verification committee head AG Peter Nyombi together with Lands Minister Daudi Migereko and Uganda Land Commission boss Isooke Baguma said that there are still many titles remaining, but his team is still verifying and the job is being done diligently. Buganda delegation was led

by 1st deputy premier Emmanuel Sendawula who signed the agreement on behalf of the Kingdom. Daudi Migereko and Apollo Makubuya signed as witnesses on behalf of the government and Buganda respectively.

Soon after the ebyaffe were given away, the room that will represented by a couple of minister, MPs and Buganda representatives bust into excitement shouting slogan of "what was robbed by the gun has been returned by the pen." MP Muhammed Nsereko said that "M7 has passed this test; I hope he continues to pass other tests. We have demanded for what belongs to us and we have got it." In an interview, Buganda's Emmanuel Sendawula showed gratitude to the president for the properties so far returned. "From 1993, we have been requesting for our property. We are going to continue asking for it peacefully without any controversies or threats." He said He added that the government should clear the remaining Shs18bn arrear as soon as possible.

The properties that where taken away from the landlords through the burrow of the Gun were with good spirit sent to the Buganda Kingdom administration to be given to the legitimate holders and some to be retained by the Kingdom Administration for management under the effects of the 1961 Buganda Agreement, The 1962 Uganda Constitution , The Registration of Titles Act, Cap 230 and the Land Act Cap 227 plus the 1995 constitution. The legal shenanigans

at the Mengo administration then formed a Panjandrum that formally has a name like that of the company which was supposed to be owned by both the Uganda Government and the Buganda Government operating as a quasi-parastatal in which the two could mutually benefit for and on behalf of the citizens by the names of Buganda Land Board.

The Buganda Land Board Limited that exists today is a window dressing of that required by law. It's a private company formed by a clique of private individuals who include some of the influential figures in the Buganda Kingdom, who have connived with the strategic management team of the illegal entity merged with the officers of the Ministry of Lands Registration and Administration and formed a scheme under which they forge titles over peoples private mailo land, the illegal Buganda Land Board employs private Military Companies to chase away the indigenous people as they forge titles under the Kyapa Mungalo and subsequently they sale to the unsuspecting public in what will be for so many years carried as Uganda's most Brazen Land theft.

The game has been advanced to a level where the fraudulent value chain will want the unsuspecting cheated Ugandans not to discover the fraud they committed. In the information age, information can no longer be concealed by any one. After having been privy to the

above fraud, please bear wit to the information below. Such discussions are aimed at exchanging ideas on how best they can conceal information about the private mailo land owners who have been cheated by these people.

Source

http://www.bugandalandboard.or.ug/index.php/news/165-government-to-work-with-blb-as-partners-in-land-mgt.GOVERNMENT TO WORK WITH BLB AS PARTNERS IN LAND MANAGEMENT

Hon. Betty Amongi chairing an advocacy meeting with Buganda Land Board Officials.

The Ministry of Lands, Housing and Urban Development together with Buganda Land Board have embarked on a joint effort to ensure security of tenure for the people on Kabaka's Land. This was arrived at during an advocacy

meeting held on 8th/7/2016 at the Ministry of Lands Headquarters in Kampala.

The two entities agreed to formulate joint strategies aimed at sensitizing Kibanja occupants/tenants and landlords of each other's rights and responsibilities so as to curb down on the rampant evictions across the country. "We could develop joint messages to sensitize the landlords and the tenants or bonafide occupants on their respective land rights so that each party can meet their obligations to avoid illegal evictions. "said Hon. Amongi, the Lands Minister.

Buganda Land Board team led by the Ag. Managing Director, Mr. Kizito Bashir ,promised to work with Government to get rid of unlawful evictions citing the Board's policies that are against such illegal evictions .He outlined a number of programs and products that all promote security of tenure for its Land occupants or tenants. These include,the bibanja tenant registration exercises, Wetuukire and LAFI among others.

"We are ready to compliment the Ministry of Lands in securing tenancies for tenants on Kabaka's land" Mr. Kizito said. He noted that the major cause of evictions is the lack of proper documentation for all lawful and bonafide occupants.

He pointed out that it was for that reason that the board had embarked on a massive bibanja occupants registration, citing over 120,000 and 25,000 tenants who the Board had recently registered and surveyed respectively.

The Minister of state for lands, on. Persis Namuganza welcomed the initiative of having both the Government and Buganda Land Board involved in collective mass sensitization on land matters. This, she said would promote consistency in communication and information dissemination especially in attracting the kibanja occupants towards payment of ground rent.

The Board was also commended for the work well-done so far especially in extending the registration and surveying exercise to the people as well as the decision to allow its masses to pay Busuulu. The Ministry officials also requested BLB to consider provision of Land use planning services so as to curb down on unplanned settlements and developments.

It is so absurd that the Minister of Lands, Housing and Urban Development was never cautious enough to question the way titles where being mutated from the name of an illegal land lord who was claiming ownership of land minus the required land titles as per the dictates of the Ugandan Torrens Acts. This makes me recall the rulling that we are about to share with you that was stated by J. W.

KWESIGA, Lord Justice in the case of konda Zimula v Byarugaba & anor (H.C.C.S. NO. 66 OF 2007) [2014] UGHCLD 68 (10 November 2014); where he stated that,"……The mischief of fraud and elements of fraud have overtime mutated to involve the Registrars of Titles. For instance, there are cases where Instrument numbers that are used to register proprietorship have been found to be none existent or Instruments that rightly belong to other properties e.g. for caveats. This necessitates departure from what the position of the Courts in 1962, 52 years ago when the case of De SOUZA (Supra) was decided. I have found more instructive authority in a more recent decision by the Uganda superior Court, in the case of:- SIR JOHN BAGEIRE Vs AUSI MATOVU C.A. NO. 7 OF 1996 (C.A.U.) quoting The Court of Appeal considered what was expected, in that case, to discharge the burden of proving the plea of being a bona fide purchaser for value without Notice and His Lordship G. M. OKELLO, J. A, (as he then was) stated:-

"It must be noted that Lands are not vegetables which are bought from unknown sellers. Lands are very valuable properties and buyers are expected to make thorough investigations not only of the land but also of the owner before purchase."

It is with such wisdom that the arrangements between Kizito Bashir Juma and The Ministry of Lands should be

looked at. Its so amazing that the legal team in Ministry of Lands is not aware of the illegality of Buganda Land Board as ruled by the learned Judge in the case of .(THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA LAND DIVISION MISC. CAUSE NO. 622 OF 2013 (ARISING FROM CIVIL SUIT NO. 244 OF 2013) BUGANDA LAND BOARD(APPLICANT) VERSUS JOHN WAMPAMBA (RESPONDENT) RULING,BEFORE HONOURABLE LADY JUSTICE EVA K. LUSWATA). And they were never able to advise the Minister never to deal with these illegal gentlemen. This leads me into questioning the wisdom and governance that is carried out at the Ministry of Lands and also makes us caution the auditor general in ensuring that a corporate governance and legal compliance audit is done on the same ministry if we are to avoid the Bank of Uganda Saga.

Extensive Undisclosed Off-The-Books Activity.

Not withstanding the illegality in the case of.(THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA LAND DIVISION MISC. CAUSE NO. 622 OF 2013 (ARISING FROM CIVIL SUIT NO. 244 OF 2013) BUGANDA LAND BOARD(APPLICANT) VERSUS JOHN WAMPAMBA (RESPONDENT) RULING,BEFORE HONOURABLE LADY JUSTICE EVA K.

LUSWATA). *The Buganda Land Board of Directors knowingly allowed the strategic management team of the private fraudulent company to conduct billions of dollars in off-the-books activity to make its financial condition appear better than it was and failed to ensure adequate public disclosure of material off-the books assets that contributed to Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited 's collapse.*

Excessive Compensation. The Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited Board of Directors approved excessive compensation for company executives, failed to monitor the cumulative cash drain caused by Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited annual bonus and performance unit plans, and failed to monitor or halt abuse by Board Chairman and Chief Executive Officer Kyewalabye Male of a company-financed, multi-million dollar, revenues created from a fraudulent scheme at the expense of Ugandans.

Lack of Independence. The independence of the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited Board of Directors was compromised by financialties between the company and certain Board members.

Accounting profession and all work section has gone through a great crisis which can be expressed by saying ethical crisis clearly because of the control of avarice and narrow private interests on the largest part of this section in different countries in the world between 1990 until the autumn of 2001. The internationally famous Buganda Kingdom headed by none but the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited in the work section is known to be creative and depends on land now than any other thing before where, the strategic management of the Buganda Kingdom through a special purpose vehicle known as Buganda Land Board has come up with a private company Known as Buganda Land Board, that was illegally developed to benefit a few individuals who have now perfected the art of title forgery in connivance with the officials of the Ministry of Lands Registration and Administration departments, have made new lease title mutates not in line with effect 68 of the Registration of Titles act and developed a scheme branded " Kyapa Mungalo" within which they sell leases curved out of public and private mailo land in what will be remembered as Uganda's Land Heist for many years to come. This fraud is most likely going to lead to the collapse of the Ministry of Lands Registration and Administration departments because already over 30,000 lease titles, part of which are curved out of private mailo

has led to development of a land grabbing scheme orchestrated by the Buganda Land Board under the management of Kyewalabye David Male and Kizito Bashir Juma in correlation with the Buganda Katikiro,Charles Peter Mayiga on one end and with Commissioner Robert Opio - Principal Land Officer heading the land Registration department and Naomi Kabanda heading the Land Administration in the Ministry of Lands. The thieves, as will become apparent, are a special type of thief. These thieves are an artist of theft. Other thieves merely stole everything that was not nailed down, but this thief stole the nails as well." This book will open you to one of the country's most serious and systematic white collar crime committed by the syndicate that is composed of the Buganda Kingdom Technocrats, The Buganda Land Board officials and the strategic management team of the Ministry of lands Registration and Administration departments.

The automatically will indent the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited company and at the end will be considered the most important and the last company which fell as a result to many factors, the most important ones being, not applying or the absence of professional and work ethics. The giant Buganda Kingdom business concern with assets that reach 64.4 billion dollars, which is the biggest

bankruptcy to a Ugandan Public entity which would have been avoided had the country taken giant steps to implement hedges to the ruling in .(The Republic Of Uganda,In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling,Before Honourable Lady Justice Eva K. Luswata). This negligence has culminated into a loss which will see so many public and private entities exposed to some of the biggest financial losses only similar to those that were obtained when another clique of strategic managers in Bank of Uganda decided to unethically sell the commercial banks in Uganda.

This fraud will attract over 250 witnesses who will include the subjects to the kingdom that will provide evidence of the titles that they hold over land previously registered as mailo land in the names of individuals and falling under the legal tenets of section 7 and 36 of the Registration of Titles act Caption 230 which state that,

"Part III—Bringing land under the Act.

7. Future grants and final mailo certificates to be registered.

1. The grants in fee or for years of all surveyed public lands remaining unalienated and all final mailo

certificates which have not been issued prior to the commencement of this Act shall be in duplicate and in addition to proper words of description shall refer to a plan of the land, and shall be delivered to the registrar, who on payment of the fee, if any, in respect of the assurance of title shall register the grant or final mailo certificate in the manner hereafter directed.

2. *Registration under subsection (1) shall be deemed and taken to be an enrollment of record of the grant or certificate, and that enrollment shall relate back to the day of the date of the grant or final mailo certificate, and either part of the grant or final mailo certificate when registered under this Act shall be sufficient evidence of a duly enrolled grant or final mailo certificate of the land described in it to or in favour of the person named in it made or issued on the day of the date thereof.*

3. *All land included in any final mailo certificate whenever issued shall after the commencement of this Act be subject to the operation of this Act and shall be deemed to have been registered under it, and no application to bring such land under the operation of this Act shall be necessary.*

(4) In subsection (1)—

1. *"grants in fee" includes any notice issued under rule 16 of the Crown Lands (Adjudication) Rules, and any instrument or notice declared in any rules made under the Public Lands Act to be a grant in fee for the purposes of that subsection;*

2. *"grants for years" includes any lease granted by an urban authority under the Public Lands Act, and any instrument or notice declared in any rules made under that Act to be a grant for years for the purposes of that subsection.*

8. *Grants for public purposes.*

At the time of the registration of every grant in fee to two or more persons in joint tenancy for any public purpose, the registrar shall endorse on it and on every subsequent certificate of title the words "no survivorship" and shall sign his or her name thereto.

9. *Lands alienated before the Registration of Land Titles Ordinance, 1908.*

1. *All documents relating to land which was alienated in fee or for years by or on behalf of the Crown before*

the commencement of the Registration of Land Titles Ordinance, 1908, shall immediately on the commencement of this Act be collected from the district offices and lodged for custody in the office of titles, and the following procedure shall be adopted with regard to that land.

2. *Where after the commencement of this Act an instrument affecting land referred to in subsection (1) or any interest in that land is presented for registration, the registrar shall proceed to bring the whole of that land under the operation of this Act in the same manner as hereafter prescribed on an application to bring that land under the Act; but if any such land has not been surveyed, the registrar may call upon the person entitled to a certificate of title under this Act to have that land surveyed.*

3. *All land within the meaning of this section may be brought under the operation of this Act on an application in Form I of the First Schedule to this Act, which application may be made by any of the following persons—*

(a) the person claiming to be the owner of the fee simple or term of

years either at law or in equity;

2. *persons who collectively claim to be the owners of the fee simple or term of years either at law or in equity;*
3. *persons who have the power of appointing or disposing of the fee simple or term of years;*
4. *the guardian of any infant or the committee of any lunatic or person of unsound mind unable to govern his or her estate so, however, that the application is made on behalf of that infant, lunatic or person and the certificate of title is directed to issue in his or her name.*

(4) Notwithstanding subsection (3)—

1. *a mortgagor shall not be entitled to make such application unless the mortgagee consents to the application; nor a mortgagee unless in the exercise of his or her power of sale, and unless the certificate of title is directed to issue in the purchaser's name; and*
2. *the attorney of any corporation, howsoever and wheresoever incorporated, whether already constituted or hereafter to be constituted by a power of attorney under a seal purporting to be the common seal of the corporation giving the power may make such application for or on behalf of the corporation of*

which he or she is the attorney, and may make the requisite declaration to the best of his or her knowledge, information and belief, and may subscribe the application in his or her own name.

10. *Application when no dealing has been registered under Cap. 113,1951 Revision, Ordinance 3 of 1904 or Cap. 81.*

If on any such application or dealing as aforesaid it appears to the registrar that no transaction affecting the land has been registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, he or she shall bring the land under the operation of this Act forthwith by registering a certificate of title to the land in the form in the Third Schedule to this Act.

11. *Application when a dealing has been registered.*

If it appears to the registrar that any such transaction as aforesaid has been registered and that all incumbrances affecting the land (excepting such as are hereafter mentioned as not requiring special notification) have been released,

or that the owners of the land have consented to the application, or that any incumbrance (not being a mortgage the owner of which has not consented to the application) may be specified in the certificate of title and continue

outstanding, the registrar shall publish notice of the application in the Gazette and shall serve the notice on such person or persons as he or she may think fit, and shall appoint a time not less than twenty-eight days nor more than twelve months from the publication of the notice on or after the expiration of which the registrar shall, unless a caveat is lodged forbidding it, bring the land under the operation of this Act.

12. Rejection of application for delay.

The registrar may, after giving to the applicant or his or her agent one month's notice in this behalf, reject the application unless the applicant adduces satisfactory proof that he or she is proceeding without unnecessary delay in complying with any requisitions on the title made by the registrar.

13. Notices of application.

Upon any application being made to bring land under this Act, or in any such dealing as aforesaid, the registrar shall serve the notice thereof mentioned in section 11 on all persons appearing on the register to have a then subsisting estate or interest in the land.

14. Person claiming title by possession to post notice of application on land.

On any application to bring land under this Act on a title claimed by possession, the applicant shall post on the land the subject of the application or at such place as the registrar directs a notice in the form of Form II of the First Schedule to this Act, either accurately describing or necessarily including the land claimed by possession, and shall keep that notice so posted for not less than twenty-one days prior to the granting of the application; and the registrar may refuse to issue the certificate until it has been proved to his or her satisfaction that the requirements of this section have been complied with.

***15.** Land to be brought under the Act unless caveat received.*

If before the registration of the certificate the registrar has not received a

caveat forbidding the registration, he or she shall bring the land under this Act by registering in the name of the applicant or in the name of such person as has been directed in that behalf a certificate of title to the land in the form in the Third Schedule to this Act.

***16.** Land occupied may be brought under the Act by a different*
description from that in the title.

On any application to bring land under this Act in which the land actually and bona fide occupied by the applicant

differs in boundaries, area or position from the land described in his or her muniments of title, he or she may apply to bring under this Act the land so occupied; and in any such case the applicant shall state in his or her application in addition to the other particulars required by this Act that the land as occupied by him or her and as to which he or she applies for a certificate is not correctly described in the muniments of title lodged in support of the application, and shall specify to the best of his or her knowledge and belief the reasons for the discrepancy between the land as occupied and the land as described in the muniments of title.

***17.** Application to bring land under the Act may be granted as to land occupied under but not described in the title deeds.*

On any application to bring land under this Act by a description different from that in the muniments of title, the registrar may grant the application as to the land in the occupation of the applicant if the discrepancy between the land as occupied and as described in the muniments appears to be due to the inaccuracy of any survey or plan or description on the sale of the land by the Government of Uganda or controlling authority or on any subsequent dealing therewith, or to any discrepancy between the actual measurements or bearings at any time made or

marked on the ground and those represented or mentioned in any plan or description.

18. *In case of error in Government survey, title may correspond to actual dimensions.*

If the land included in any application to bring land under this Act consists of an estate or plot surveyed by the Government and it is found by survey or

otherwise that by reason of erroneous measurements in the original Government survey the actual dimensions of the estate or plot as marked on the ground exceed or fall short of the dimensions given in the grant of the land, the registrar may issue a certificate in respect of that land as if the dimensions marked on the ground had been the dimensions given in the grant.

19. *Excess of land may be apportioned between different owners or proprietors.*

Where a block or section of public land has been subdivided into plots or portions of equal area and by reason of erroneous measurements in the original survey the area of the block or section as marked on the ground exceeds the sum of the areas of all the plots or portions as shown by any plan or description used at the sale or by any grant or certificate of title of any such plot or

portion, the total excess of area of the block or section shall be deemed originally distributable among the plots or portions equally; and if the area of the land included in any application to bring land under this Act is in the applicant's possession and was in that applicant's possession or in the possession of those through whom he or she claims for over twelve years previous to the application and does not exceed the area obtained by dividing the area of the block or section as shown on the ground by the number of original plots or portions, the registrar may without ascertaining the dimensions of the other plots or portions and without the consent of the owner or owners of those plots or portions issue a certificate in respect of the land included in that application as if the whole of it had been included by measurements and boundaries in the original grant or certificate of title of that plot or portion.

20. *Parties interested may lodge caveat.*

1. *Any person claiming any estate or interest in the land described in any notice issued by the registrar under this Act may, before the registration of the certificate, lodge a caveat with the registrar in the form in the Fourth Schedule to this Act forbidding the bringing of that land under this Act.*

2. Every caveat lodged under subsection (1) shall be signed by the caveator or by his or her agent, and shall particularise the estate or interest

claimed; and the person lodging the caveat shall, if required by the registrar, support the caveat by a statutory declaration stating the nature of the title under which the claim is made, and also deliver a perfect abstract of the title to that estate or interest.

(3) No caveat under this section shall be received unless some address or place in which a post office is situated shall be appointed in it as the place at which notices and proceedings relating to the caveat may be served.

21. Proceedings suspended if caveat received.

1. The registrar upon receipt of a caveat lodged under section 20 shall notify the applicant of the caveat, and shall suspend proceedings in the matter until the caveat has been withdrawn or has lapsed as provided in section 22 or 24 or until an order in the matter has been obtained from the High Court.

2. The applicant may, if he or she thinks fit, summon the caveator to attend before the High Court to show cause why the caveat should not be removed, and the High Court may, upon proof that the caveator has been summoned, make such order in the premises

either ex parte or otherwise and as to costs as to it seems fit.

22. *Caveat to lapse unless proceedings taken within one month.*

1. *After the expiration of one month from the receipt of a caveat that caveat shall be deemed to have lapsed, unless the person by whom or on whose behalf it was lodged within that time has taken proceedings in a court of competent jurisdiction to establish his or her title to the estate or interest specified in the caveat, and has given written notice of the proceedings to the registrar, or has obtained and served on the registrar an injunction or order of the High Court restraining him or her from bringing the land under this Act.*

2. *A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest.*

23. *Production of title deeds in support of an application to bring land under the Act.*

After an application has been made to have any land brought under the

operation of this Act, the registrar may require all persons having in their possession or custody any deeds, instruments or evidences of title relating to or affecting the land the subject of that application to produce them at the office of titles for his or her inspection.

24. Applicant may withdraw application.

An applicant may withdraw his or her application at any time prior to the registration of the certificate; and the registrar shall in that case return to the applicant or to the person appearing by the application to be entitled to them all muniments of title lodged in support of the application; but in that case, if a caveator has been put to expense without sufficient cause by reason of the application, he or she shall be entitled to receive from the applicant such compensation as a judge of the High Court on a summons in chambers deems just and orders.

25. Endorsement of prior title deeds.

1. Upon registering a certificate of title, the registrar shall endorse and sign upon the last in date of those documents registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, as shall have been lodged in support of the application a memorandum that land included in that document has been brought under this Act without specifying the land or referring

to the certificate in which the land brought under this Act is included and shall forward a copy of the memorandum to the registrar of documents who shall thereupon endorse and sign a like memorandum on the registered copy of the document; and if the documents lodged relate to any property other than the land included in the certificate, the registrar shall return them to the applicant or to the person appearing by the applicant to be entitled to them; otherwise the registrar shall stamp each of them as cancelled and after he or she has so stamped them shall retain them in the office; and no person shall be entitled to an inspection of the documents or to have any copy of them or extract from them without the written order of the applicant or of some person claiming through or under him or her or upon the order of the High Court.

2. No action shall be brought upon any covenant or agreement for the production of the documents which are retained under subsection (1) or upon any agreement to give or enter into a covenant for the production of those documents; and if any such action is commenced, it shall be a sufficient

answer to it that the documents are retained under this Act.

26. *Subsisting lease to be endorsed and returned.*

Where any subsisting lease has been lodged, the registrar shall, after he or she has endorsed it as provided in section 25 in the case of the last in date of material registered documents, return the lease to the person lodging it upon the applicant lodging with the registrar a certified copy of the lease.

27. *Record book to be kept of documents.*

1. *The registrar shall keep a book to be called the "Record Book" in which shall be kept a record of all deeds and documents produced and used in support of each application to bring land under this Act which hereafter is granted.*

2. *The record referred to in subsection (1) shall state briefly the nature and date of and parties to every such deed or document, by whom executed or signed, and whether registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, or not, and if registered the date of the registration; and the Record Book shall be open for inspection by the public*

during the hours and days of business on payment of the prescribed fee.

28. Certificate of title to issue in name of deceased applicant or his or her nominee.

In case the applicant or the person in whose name the applicant has requested that the certificate of title shall be issued dies between the application and the registration of the certificate, it shall be registered in the name of that applicant or of that person, as the case may be, and the land shall devolve or pass in like manner as if the certificate had been registered prior to the death of that applicant or person.

29. Application to bring under the Act land registered under
Ordinance 11 of 1908.

Any person in whose name any land is registered under the Registration of Land Titles Ordinance, 1908, may make an application in the form in the Second Schedule to this Act to the registrar to bring that land under this Act.

30. Procedure.

Upon receipt of any application under section 29, the registrar shall—

1. bring the land under this Act by registering in the name or names of such person or persons as may be entitled to it a certificate or certificates of title to the land in the form in the Third Schedule to this Act;

2. record at the foot of the certificate or certificates all incumbrances registered under the Registration of Land Titles Ordinance, 1908, and subsisting at the date of the registration of the certificate or certificates;

3. endorse the original and duplicate certificate of title under the Registration of Land Titles Ordinance, 1908, as follows:

"Cancelled. Land brought under the operation of the Registration of Titles Act, Vol. , Fol.
"

and the date, and initial the certificates and endorse the original and duplicate grant as follows:

"Land brought under the operation of the Registration of Titles Act, Vol. Fol. "

and the date, and initial the grants and on request return the duplicate documents so endorsed to the applicant.

31. *Effect of lodgment of instrument affecting land registered under Ordinance 11 of 1908.*

Where, after the commencement of this Act, an instrument affecting land or any interest in land, the title to which is registered under the Registration of Land Titles Ordinance, 1908, is presented for registration, that instrument shall have the same effect and shall be treated in the same manner as an application under section 29 as to the whole of the land comprised in the title affected, and upon the receipt of any such instrument the registrar shall—

1. *register the instrument in the proper folium of the register of titles kept under the Registration of Land Titles Ordinance, 1908;*

2. *proceed as directed in section 30.*

32. *Closing of 1908 register.*

1. *When land has been brought under this Act in accordance with section 30 or 31, the register kept under the Registration of Land Titles Ordinance, 1908, shall be closed so far as concerns that land, and there shall be no further registration in respect of the land in that register.*

2. Land shall be deemed to have been brought under this Act as from the date on which the certificate of title with respect to the land shall have been signed by the registrar.

33. Fees.

The fees payable for the registration of an instrument under section 31 shall be the same as would be payable for the registration of a like instrument under the Registration of Land Titles Ordinance, 1908, and in respect of the bringing of land under this Act in accordance with section 30 or 31 of this Act the fees specified in the Twenty-second Schedule to this Act shall be payable.

34. Fee for assurance of title.

1. Upon first bringing land under the operation of this Act whether on a grant or consequent upon an application or dealing as hereinbefore provided, there shall be paid to the registrar as a fee in respect of the assurance of title the sum specified in that behalf in the Twenty-second Schedule to this Act; and in the case of freeholds brought under this Act upon a grant, the value of the freehold for the purpose of ascertaining that sum shall be deemed to be the price paid for the land; and in the case of leaseholds

brought under this Act upon a grant, the value shall be deemed to be twenty times the annual rent reserved; and in other cases the value shall be ascertained by the statutory declaration of the applicant.

2. *If the registrar is not satisfied of the correctness of the value sworn to under subsection (1), he or she may require the applicant to produce a certificate of the value under the hand of a sworn valuer, which certificate shall be received as conclusive evidence of the value.*

3. *Nothing in this section shall apply to any land included in a final*

mailo certificate whenever issued, unless prior to the application to bring that land under the operation of this Act it has been transferred to a person not an African of Uganda.

35. *Additional assurance fee in case of imperfect title.*

1. *Notwithstanding anything hereinbefore contained, the registrar may, after the publication at the applicant's expense of such advertisements as he or she deems fit, bring any land under the operation of this Act upon the applicant paying as an additional fee in*

respect of assurance of title a sum of money equal to 5 percent of the total value of the land as an indemnity by reason of the nonproduction of any document affecting the title or of the imperfect nature of the evidence of title, or against any uncertain or doubtful claim or demand arising upon the title.

2. Where the registrar is not satisfied that sufficient evidence of title to any land has been produced, he or she may refuse to bring that land under the operation of this Act.

36. Registration of leaseholds.

1. Any lease of freehold or mailo land registered under this Act of which not less than ten years are unexpired may be brought under the operation of this Act as near as may be in the manner and subject to the provisions of this Act relating to lands alienated before the Registration of Land Titles Ordinance, 1908, and the provisions of this Act shall, with such adaptations as may be necessary, extend and apply accordingly.

2. Every certificate of title to leasehold land shall be subject to the rights and powers of the lessor or

other proprietor of the reversion immediately expectant upon the term.

3. *Any certificate of title to a lease granted by a registered proprietor of freehold or mailo land which has, prior to the 9th August, 1962, been issued by the office of titles shall be deemed to have been validly issued in accordance with this Act.* "

Who instead chose to get the titles for the Persons handed over by President Museveni and not falling under the domain of Public Mailo, connived with the officials of Ministry of Lands Registration and Administration department, made mutates for small plots on them that have no correlation with the original land titling system , made parallel computerized registers that we will be privy to during the investigations, branded them Kyapa Mungalo and sold them to the unsuspecting public who are ignorant about the facts in the above presents. This they did after they had established a scheme through which they would hide or destroy the original microfilm information vide the documents below. They forgot that copies of this information are present in the United Kingdom and also held by the Beneficiaries of the estates they are destroying. The Ministry of Lands Registration and Administration has always had intentions of distorting the Ugandan Land system that has been strategically been

developed by the Technocrats who connive with the Ministers and the land grabbing people to create systematic fraud whose form appears to be correct while the substance is wrong and this has formed the background of the fraud.

Such claims actually sound fallacious but when you become privy to intel like the one you are close to seeing below and the value chain involved, it will give you collaborative information of how rotten the Ministry of Lands Registration and Administration departments are rotten. It will also help you into a discovery of the country's most brazen thefts engineered by technocrats in this country. **Please see the information below. The letter that former Commissioner Land Registration Sarah Basangwa Kulatta used to request for the Microfilm records. Evidence like this makes me to believe that, "***One theft, however, does not make a thief . . Action which defines a man, describes his character, is action which has been repeated over and over and so has come in time to be a coherent and relatively independent mode of behavior. At first it may have been fumbling and uncertain, may have required attention, effort, will - as when first drives a car, first makes love, first robs a bank, first stands up against injustice.*

If one perseveres on any such course it comes in time to

require less effort, less attention, begins to function smoothly; its small component behaviors become integrated within a larger pattern which has an ongoing dynamism and cohesiveness, carries its own authority. Such a mode then pervades the entire person, permeates other modes, colors other qualities, in some sense is living and operative even when the action is not being performed, or even considered. . . .

Such a mode of action tends to maintain itself, to resist change. A thief is one who steals; stealing extends and reinforces the identity of a thief, which generates further thefts, which further strengthen and deepen the identity. So long as one lives, change is possible; but the longer such behavior is continued the more force and authority it acquires, the more it permeates other constant bodes, subordinates other conflicting modes; changing back becomes steadily more difficult; settling down to an honest job, living on one's earnings becomes ever more unlikely. And what is said here of stealing applies equally to courage, cowardice, creativity . . . or any other of the myriad ways of behaving, and hence of being".

The combination of the strategic management team at the Ministry of Lands and registration department coupled with the officials of the Buganda Kingdom, the Person of the Kabaka and the Buganda Land board actually mastered the

art of systematic theft. An action becomes stealing when one of two conditions are met. First, when there is harm to the victim. Second, when the act is done for personal gain. This might sound unfair and even close-minded, but it's the truth. There are some exceptions to the rules, but they are incredibly rare. Most people are no match for their addictions. They will be driven to do things they would normally never have considered all in the name of getting high. Sad, but true. So if you're thinking of trying drugs, keep in mind that all the people you will be dealing with are likely to steal from you and lie to you at your own expense. This is what the person of the Kabaka of Buganda failed to grasp leading him into the conspiracy of land fraud engineered majorly by Charles Peter Mayiga and David Kyewalabye male.

(THIS SPACE HAS BEEN INTENTIONALLY LEFT OUT AS BLANK)

INTERNAL MEMO

To: C/S&M

C.c. PS

From: Ag.DLM/CLR

Date: 8/5/2014

RE: **RETURN OF MICROFILM RECORDS**

Joseph
This is to require you again to complete the Arrangement. You need to have all the films sent by the given deadline.
Mary
15/05/14

You recall that a decision was made at the Heads of Departments meeting that you return all the microfilm records. You recall that the reason behind it was that Entebbe Mapping and Surveys was giving out information to the public which was misleading. We have discussed this on many occasions.

A case in point is Busiro Block 453 Plot 32 where you gave out information to the CIID/Commandant Land Protection Police Unit. Based on your report, it was aired on the UBC and NTV Medias that all the titles which are coming out of this land are forged and the police stated that they are basing on your report. As the author of the report I should have hoped that you would have corrected the police but so far I have not seen any response from you.

As Land Registration Department we have impressed it upon you that it is best if you are giving out microfilm information it should be complete to the present. For one reason or another you have not sent all the microfilm records.

Can you please arrange and have the microfilm records sent to Land Registration by Friday, 16th May 2014.

Sarah Kulata Basangwa
Ag.DLM/CLR

SURVEYS & MAPPING DEPARTMENT
RECEIVED
15 MAY 2014
P.O. BOX 1, ENTEBBE

and subsequently the response from the concerned official.

INTENAL MEMO

TO: AG. DLM

C.C MINISTER
C.C ALL MINISTERS OF STATE
C.C PS

FROM: CSM

DATE: 16TH MAY 2014

RE: TRANSFER OF MICROFILM RECORDS FROM ENTEBBE LAND OFFICE TO KAMPALA HEADQUARTERS

Reference is made to your Internal Memo dated 18th November 2013, concerning the above captioned subject.

As requested please receive some of the Microfilm records which have been organized and ready for you to receive.

Microfilm records which have been sent, cover the following counties:

County	Block Name	Block Numbers	
Kyadondo	Kyadondo	27-37	}
Kyadondo	Kyadondo	249-271	}
Kyadondo	Kyadondo	265	} 6 Films
Kyadondo	Kyadondo	244	}
Kyadondo	Kyadondo	215-221	}
Kyadondo	Kyadondo	60-67	}
Busiro	Busiro	553-604	}
Busiro	Busiro	514-552	}
Busiro	Busiro	341-377	}
Busiro	Busiro	106-144	} 7 Films
Busiro	Busiro	314, 474, 476	}
Busiro	Busiro	412-466	}
Busiro	Busiro	159-194	}
Singo	Singo	1-30	}
Singo	Singo	544-577	}
Singo	Singo	472-503	} 6 Films
Singo	Singo	31-60	}
Singo	Singo	107	}

Singo	Singo	108-123	}
County	**Block Name**	**Block Numbers**	
Bulemezi	Bulemezi	875-993	}
Bulemezi	Bulemezi	654-706	}
Bulemezi	Bulemezi	215-380 & 434-691	} 5 Films
Bulemezi	Bulemezi	991-1025 & 133-223	}
Bulemezi	Bulemezi	204-232	}
Singo	Singo	629-739	}
Singo	Singo	170-189	}
Singo	Singo	303-328	} 5 Films
Singo	Singo	615-650	}
Singo	Singo	367-414	}
Bulemezi	Bulemezi	297-316	}
Bulemezi	Bulemezi	741-821	}
Bulemezi	Bulemezi	70-88	}
Bulemezi	Bulemezi	668-739	} 7 Films
Bulemezi	Bulemezi	233-249	}
Bulemezi	Bulemezi	706-943	}
Bulemezi	Bulemezi	180-203	}
Kyadondo	Kyadondo	118-130	}
Kyadondo	Kyadondo	154-193	}
Kyadondo	Kyadondo	82-86	} 4 Films
Kyadondo	Kyadondo	101-117	}
Busiro	Busiro	86-101	}
Busiro	Busiro	195-240	} 4 Films
Busiro	Busiro	468-513	}
Busiro	Busiro	269-279	}
Singo	Singo	504-524	}
Singo	Singo	269-302	}
Singo	Singo	449-451	} 4 Films
Singo	Singo	- -749	}
Bulemezi	Bulemezi	632-788	}
Bulemezi	Bulemezi	916-990	}
Bulemezi	Bulemezi	2-12	} 5 Films
Bulemezi	Bulemezi	32-53	}
Bulemezi	Bulemezi	297-316	}
Agreements and Transfers			} 2 Films
Total Number of Films			**55 Films**

Please note that the Blocks were based on Counties and the Microfilm records which have been sent are of the Counties on Blocks.

I have also sent you Mr. Dan Mukiibi (Lithographer) to assist you to set-up a mini Laboratory for storing the films. There is need to make some back-ups and to procure a microfilm reader.

Please acknowledge receipt of the films.

M.N. Kajumbula
COMMISSIONER, SURVEYS AND MAPPING

The Microfilms requested are only applicable to the Buganda Kingdom because this is where the most brazen theft was considered.

At the end of the investigation to the Uganda's Land system we believe additional evidence enough to bring Kyewalabye Male David, Charles Peter Mayiga and Kizito Bashir Juma will be obtained to enable the state unanimously that three of executive managers in the Buganda Kingdom, the Person of the Kabaka and the Buganda Land board company and they are, guilty in many accusations in cases related to land title fraud involving the fraudulent kyapa Mungalo Scheme curved out of private mailo land, corruption and conspiracy and lying as well about the financial difficulties of the company, that we have seen above. At the end of this activity we will also discover that the Ministry of Lands Registration and Administration departments will call for a complete overhaul. The other people who will have a lot to explain in this Kyapa Mungalo saga over mailo land that is privately owned will include but is not limited to Robert Opio, Commisioner Land Registration, Naomi Kabanda, Commisioner Land Admnistration,Commisioner Nyombi, Commisioner Batume, Commisioner Jasper Kakoza, Commissioner Loella Attaro, Public relations Officer Ministry of Lands , Mr. Obbo, Mukaga Johnson,Kanyonyore Joseph,Odonga Phillip Mukono,Angulo

AlphonsO,Semu Mangusho,Opio, Galiwango Herman,Karuhanga John,Kibira Aisha,Oundo Daniel,Haruna Gulooba,Bamwitte Emma,Ataro Lozella,Namutebi veronica Mukono,Katwesige Christine,Wamala Ali,Milton Matsiko,Sarah Nakiwolo,Banabana Diana,Sekito Moses,Sam Tayebwa,Bigira Johnson,Nabuuma Janet,Kabande Joseph,Banumba Francis,Kakerewe Yusuf, Niyonzima Vincent,Nicholas Wamboga,Madina Nabukera Bukalasa,Kahabura Dennis,Ariho Margret Rukungiri,Jamillah Lunkunse,Robert Kizza,Nambi Diana,Elizabeth Kwesigabo,Martha Komugisha ,Norah Businge , Sarah Basangwa Kulatta, Daudi Migereko, Gabindade, Obbo Public relations officer Land and Noami Kabanda.

From the Buganda Kingdom side we have the following people who will be source for information concerning how they were able to make leases under Kyapa Mungalo on individual private mailo without the consent of the owners.

These people include Owek. Eng. Martin Kasekende, Omukungu I.K Kabanda, Omulangira David Kintu Wassajja, Omuk. Ambassador Swaibu Musoke , Omukungu Robert Waggwa Nsibirwa, Omutaka Pascal Kibondwe, Omukungu Levi Zimbe , Omukungu Dr. Eve Kasirye-Alemu, Owek. Mohamood Thobani, Omuk.Kyewalabye Male , Omukungu John Kitenda Omuwanika W'enkuluze, Mr.Kyewalabye David Male, Mr.Mujabi Martin Kuteesa, Mr. Kizito Bashir Juma, Mr. Lamech Musoke Ssonko , Mr. Denis Bugaya, Mrs

.Rebecca Magezi Bukenya, Hajjat Rehema Nanvuma Wandera, Mr.Lubega Mutunzi, Ms. Ruth Wagwa, Mulumba Ivan Mathias, Lubwama Raymond Peter, Nambiite Juliet, Naserenga Edward, Kyeswa James, Kabogoza Simon, Ndagire Sharon, Nabanja Immaculate among others.

The investigations at the end will have found evidence enough to back up accusations on some of these people as we will be able to point out some among them. In case some of the allegations adduced will cause the accused to do time for the period of prison reaching 2750 years as a result of fraud and conspiracy and counts of insider trading automatically on a few in the Buganda Land Board like those people doing the surveys for the Kyapa Mungalo on private mailo land. On the other hand, David Kyewalabye Male, Charles Peter Mayiga and Kizito Bashir Juma will be allegedly condemned of accusations related to trickery and conspiracy. Finally, the judges will charge some of the above culprits if found guilty millions of dollars in restitution and long prison sentences. "Crimes like this deserve to be punished severely".

After investigations some of which have already been done by the Commission of Inquiry into Land Matters headed by Lord Justice Catherine Bamugemereire 2017 they are issues for people like Louella Ataro which we want to make you privy to.

The Weekly Observer

Land registrar admits to issuing fake land titles

- *December 1, 2018*
- *Written by Joseph Olanyo*

In one of the most heart-rending revelations, a senior registrar of titles at the ministry of Lands, has admitted masterminding a fraudulent land transaction in which she created and issued a fake special certificate of land title, that may see 161 households including the auditor general John Muwanga evicted. Acting against the provisions of the law, Luella Ataro Bogere, without any due consideration of the normal procedures, acted illegally and created a special certificate of title for land under contention, located on Block 185, Plot 1131 at Namavundu sub-county

Wakiso district. The fake title was created in the name of Peninah Karenge Busingye.

In collaboration with other surveyors, among them Vianney Lutaaya, a surveyor in the ministry of Lands, Ataro, issued a special certificate of title, knowing that all the plots in the mother certificate had proprietors.Ataro did not also consider the normal procedures that when somebody applies for special certificate of title, the registrar has to wait for 30 days after an announcement is made in the national gazette.

Appearing before the Commission of Inquiry into land matters on November 20, the senior registrar of titles failed to defend herself saying it was an oversight. The commission is investigating allegations of double titling of land in Namavundu, Kasangati town council in Wakiso district. Commissioner Fred Ruhindi put Ataro to task to explain why she is always implicated in serious land fraudulent deals.

"This is not the first time you have caused a change in proprietorship on people's titles. And this one is gigantic. What is it that it is you constantly? How many times so far have you been here on very grave matters and this one is worse? You have been compromised to the marrow," Ruhindi said.

"You knew the transactions were taking place on this title but you didn't act. Don't try to white wash things here… but even if you wanted to do things fishy, you can't even do it nicely".Ruhindi lashed out at the way the likes of Ataro testify against complainants in court.

"In courts of law you are the very people who go and testify against the complainants and testify against the commission. You earn twice from your deals. You earn from a person claiming money from government and the ones you are giving fake titles. Assuming our commission never came into existence, how could you actually cover this?" Ruhindi asked.

Commissioner Mary Oduka questioned why Ataro decided to ignore the statutory 30 days required by the law before issues of the fraudulent title."How much money was that that was involved that you couldn't even wait for the days (30 days). Don't tell me it was an oversight, you didn't know. Not even God will listen to it." said Oduka..

This is the fourth time Ataro whose name has hit the post office box for notorious fraudulent land deals, is appearing and being questioned before the commission. In June 2017, the Land Probe chairperson, Justice Catherine Bamugemereire ordered for the arrest of Ataro who she accused of obstructing justice and disrespect. Ataro was

detained at Wandegeya police station.Ataro, who was then appearing for the second time before the commission to explain her role in the issuance of a set of land titles to individuals in wetlands located at Kijabijo, was also accused of telling lies by the commission.

"And I am asking you again today and you said no. What exactly do you mean? Which means you actually knew about it", a visibly exasperated Bamugemereire said.

Ataro who had been avoiding some of the questions put to her by the commission could not, despite overwhelming evidence from witnesses, admit that she had a hand in deceptive land deals and did not follow right due procedures when processing applications leading to grant of certificate of titles in wetlands.

Records obtained by the commission showed that title 170 plot 644 was registered by Ataro and her senior land management officer, Satya Mwangushya without following laid down procedures. The two, the commission heard, avoided the district land officer and the district land board by approving the award of certificate of titles in a wetland.

In March 2018, the commission told Ataro to resign after she was accused of allegedly conniving with land grabbers to take the central forest reserve in Ssayi, Mukono municipality, and soliciting for money in order to sign transfer forms.The revelation followed an earlier testimony from one Evelyn Kafeero, who had wanted to transfer a piece of land she bought from Jude Clement Kidega in 2014. Ataro, the commission heard, refused to sign the transfer forms and instead demanded for Shs 10 million for the transaction.

Kidega, an employee of ministry of Works, is also accused of selling part of Ssayi central forest reserve in Mukono, which is under contention to Kafeero, admitted before the commission that he paid Shs 10m to Ataro to help her sign his transfer forms.The land probe team also heard that Ataro illegally authorised the sub division of Kabaka's land at block 369 plot 3 at Golomolo Kiyaga without Buganda kingdom's consent. It is alleged that Ataro, through a mutation form, authorized the sub-division of Kabaka's land from block 369 into plots 8,9,10, 11 and 13.

Mutation is the transfer or change of title ownership from one person to another when the property is sold. SEP *Ataro has further been implicated in the issuing of title in Mabira central forest reserve to Nurdin Yusuf and Bashir Yusuf illegally.In all these incidences, Ataro, vehemently denied any involvement in the bribery scandal.*

"My lord, it is not true that I received money. It is totally false," Ataro said. She also stated that she did not know that the land in dispute was a forest reserve.But in a turn of events and unlike other appearances where denial was been the order of the day, Ataro, who was again arraigned before the commission this time round succumbed to her deceitful woes and admitted creating the special title for the Namavundu land located on block 185, plot 1131 in the names of Peninah Karenge Busingye.

"My lord and commissioners, it was an oversight and I apologise for it, I did not know the magnitude of the problem but now I realise there was a problem," Ataro told the commission during cross examination. She admitted she did not advertise the application for the special title in the newspapers, as it is required by law, to establish whether or not there were people with interest on the land.

But this did not solve the equation: "The way you minimalise mistakes by saying it was an oversight…, I apologise…is rather appalling. You issued the certificate of title in violation of all the rules, regulations and procedures of the law. You had made up your mind that you have to get a title out" Justice Bamugemereire."This thing of titling a certificate that belongs to over 160 people and you keep saying I apologise is ridiculous."

Documents tendered before the commission show that the fraudulent special title was issued only nine days after the application was submitted as opposed to the 30 statutory days required by law.

Furthermore, the commission found out that the special title that was supposed to be issued in the original names, was instead issued in the in the name of Natasha Karenge. Kerenge has been summoned to appear before the commission. However, last week he submitted a letter, to the commission purporting that she was indisposed and that her doctor had prescribed a bed rest. Karenge asked to be given some time before she can appear before the commission.

The presence of the illegal special title came to the forefront when one Karenge together with her daughter, Natasha Karenge, under duress, fenced off the land claimed by one Stanley Lwanga, who holds the original title of the land under contention. Lwanga, a retired accountant formerly with the ministry of Health, is one of the 161 households in Namavundu who face eviction as a result of the fraudulent transaction. Others include the auditor general, John Muwanga.

The land probe commission was created by President Yoweri Museveni in December 2016 and is chaired by Justice Catherine Bamugemereire. Bamugemereire is

assisted by six commissioners; Fredrick Ruhindi, Dr Rose Nakayi, George Bagonza Tinkamanyire, Joyce Gunze Habaasa, Mary Oduka Ochan and Robert Ssebunnya

The commission's lead counsel is Ebert Byenkya while the deputy and assistant lead counsels are John Bosco Suuza and Andrew Odiit respectively. The commission's mandate is to probe the efficiency of the laws, policies and processes of land registration, acquisition, administration and management.

It is also tasked with inquiring into the effectiveness of the Uganda Land Commission (ULC) in administering public land and relevant bodies in the reservation of wetlands, forests, road reserves and national parks.

jolanyo@gmail.com

The other evidence that we can possibly relay on is the information concerning Sam Bitangaro and Sarah Basangwa Kulatta.

THE DAILY MONITOR

Commissioner named in land theft case

WEDNESDAY FEBRUARY 11 2015

By BETTY NDAGIRE

Kampala. A witness yesterday told Buganda Road Chief Magistrate's Court that the Commissioner of Land

Registration, Ms Sarah Kulata assisted former Kawempe Division chairperson to steal his land.
Mr Deo Ssemakula was testifying in a trial in which former Kawempe Division chairperson Nasser Takuba Kibirige is charged with land fraud.
He is jointly charged with Ms Valentine Kajungu, a medical dispenser.
"I went to Commissioner of Land Registration to explain my plight, who told me that basing on the available documents, the suspects are the owners of that land located Kyadondo, Nakyesanja," Mr Ssemakula testified. Mr Ssemakula said he tried to explain to Ms Kulata that the signatures on the consent documents the suspects presented to her were all forged but, his efforts fell on deaf ears."Ms Kulata also ignored a High Court injunction which was issued on September 20, 2013, which was preventing her from cancelling my land title," he said. The accused persons denied seven counts which included; forging and obtaining a land title fraudulently.

bndagire@ug.nationmedia.com

Brands enable a business enterprise to ease its product differentiation. In addition to the actual physical differences of the product or service, brands also help to differentiate the subjective image that the consumers create in their minds. For the realization of a successful product development process, through all the steps, from

idea to the presentation of the product to the market, full support of senior management is obtained. This implies that the strategic management of the Buganda Land Board was involved in the design, execution and implementation of this fraudulent scheme that not only involved making something that had been declared illegal as we have seen in the case of.(The Republic Of Uganda, In The High CourtOf Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling, Before Honourable Lady Justice Eva K. Luswata) were the organization was declared illegal. The illegal organization then with the help of the shareholders and the management then developed a brand called Kyapa Mungalo which was also done on private mailo ultra vires the law not only in there interest but to add insult to injury, in connivance with the fraudsters in the Ministry of Lands Registration and Administration made multiple mutates inform of leases and sold to the unsuspecting public in form of leases and mortgages.

One of the key drivers of the misrepresentation of the lease brand Kyapa Mungalo on private mailo land was given on the Buganda Land Board website that we have been able to share with you below.

SOURCE; http://www.bugandalandboard.or.ug

Who We Are

Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients.

The other correspondence that was used to entice the public are the articles like the one below that we need to share.

SOURCE.

http://www.bugandalandboard.or.ug/index.php/news/279-government-can-work-with-blb-in-land-managemen

Government can work with BLB in land management.

By Kimogofu Yosia (Branch Manager Kyaggwe)

The year 2018 was not any different from its predecessors in relation to land management in Uganda.

Most news outlets constantly reported about a litany of land wrangles, fights, court orders and evictions. The most prominent case came at the tail end of the year when scores were 'wrongly' evicted at Lusanja.

Similarly, the Justice Catherine Bamugemereire-led commission of inquiry into land matters frequently heard of bizarre cases of land mismanagement, right from registrars at the ministry to village chairmen. Mailo land

remains the most volatile tenure in Uganda partly because of the vague laws.

As such, the government has tried to harmonise the tenant-landlord relationship by introducing registrable interests in form of certificates of occupancy and land titles where possible. For instance, President Museveni recently presided over the issuance of over 300 land titles in Nakaseke to bibanja holders funded by the Land Fund.

The same was earlier done in Bunyoro in 2017. Another gesture was extended to Karamoja in mid-2018, where clans were given titles. The ministry is also promoting the certificate of occupancy as the most reliable form of documentation for bibanja holders.

It is undoubted that most land wrangles and evictions are a result of lack of documentation or forgery of the same. It is a worrying trend that over 90 per cent of land in Uganda is untitled.

So, if measures to register people are taken by government, we can only support and be optimistic. Amid all this, I was especially elated when I saw the spokesperson of the ministry of Lands, Denis Obbo, making reference to Buganda Land Board's Ebbaluwa Ekakasa Obusenze (certificate of occupancy) when on TV speaking about the importance of registration.

Obbo had been hosted on BBS TV's Ettaka ye Nnyaffe program where he talked about the ministry's new certificates of occupancy and equated them to BLB's Ebbaluwa Ekakasa Obusenze. He noted that no tenant on Kabaka's land would be given a certificate of occupancy by the ministry unless they have already obtained Ebbaluwa Ekakasa Obusenze from the landlord. The same applies to private mailo landlords.

I got two things from Obbo's statement. First, that government is willing to work with Buganda to streamline land administration in the country. This is a big step in the right direction. In a statement prior to the issuance of titles in Nakaseke, the ministry indicated that they intended to strengthen their collaboration with Buganda Land Board to create awareness about land rights, especially for people on Kabaka's land.

That is good. As a BLB manager in the Kyaggwe region, I have worked firsthand with officials from the ministry in collaboration with other land-related organisations in a campaign known as Land Awareness Week. During this intervention, we realized that many people are victims of ignorance and misinformation.

We managed to share resources and sensitise people about their rights, and the ministry was able to come with a computerized system where people could check the status

of their land while other organisations provided legal aid. Such interventions need to continue.

Without being biased, Buganda has the most organized land management system in Uganda. It can be used as a case study for other areas. Secondly, I obtained that all bibanja holders have a legal mandate to seek from their landlords and obtain documentation acknowledging them as lawful occupants before they go to the ministry to obtain certificates of occupancy. I believe this is the way to go.

In my experience in land management, I have realized that most cases of land wrangles and rampant evictions have resulted from a huge disconnect between landowners and bibanja holders.

Many people obtain bibanja through land brokers without finding out who the landlord is. And when the landlord later comes to claim his/her land, chaos erupts, sometimes leading to bloody evictions.

When Buganda Land Board introduced mass registration in 2015 and Kyapa mu Ngalo in 2017, some people were reluctant to register due to the politics of the day. But events in the preceding year have exonerated us and proved to the entire country how foresighted the Kabaka was when he urged his subjects to secure their tenancy.

Some people are worried about the long processes. It is true that sometimes land titles take long to be issued, but

as someone who knows the land management system in Uganda, I can't be surprised.

BLB handles the registration and survey part of title processing but the rest is done at government offices, which are most times challenged by inadequate and demotivated personnel.

All in all, the time is now for the central government and Mengo to join hands to tame the mailo land question in the country. Let government learn a thing or two about BLB's land management systems.

Let both parties improve on efficiency by serving all people with equity and in record time. Let government introduce fair land dispute resolution measures. There may have been historical injustices especially on mailo land, but we can do little about it now.

As we plan to streamline our land laws in the long run, let us concentrate on creating a harmonious relationship between the landlord and the tenant, with both feeling empowered and secure.

Information like this was issued by a body corporate that had already been legally declared illegal by the court. However because of sheer carelessness it continued doing business at the detriment of the Public. Its representations made by such people well knowing that they could flip boat as you will see subsequently that led a

clique of individuals to orchestrate fraud on a nation and its citizens. Such careless statements that a derived from a nullified corporate in the names of Buganda Land Board create a scintilla of non-compliance with the consumer protection acts of the country.

Owners of established firms face ever-growing business legal responsibilities, often referred to as "red tape". It is vitally important that these business owners pay close attention to the legal obligations imposed upon them, both to ensure that neither the company nor the directors become liable for non-compliance with such legislation, but also to create a foundation for the value of the company. Having strong foundations is vitally important in ensuring that on an eventual exit of the company, its value is not undermined by potential legal liabilities.

Put another way, a company that can show that it has taken its corporate responsibilities seriously and has the necessary policies, procedures and records to substantiate this, will have a greater value than one that doesn't. This will make an exit potentially quicker and at less costly.

Where a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person or the complainant shall be punishable

with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees, or with both : Provided that the District Forum, the State Commission or the National Commission, as the case may be, may, if it is satisfied that the circumstances of any case so require, impose a sentence of imprisonment or fine, or both, for a term lesser than the minimum term and the amount lesser than the minimum amount, specified in this section. The employees would want to run out of the web but they were so aware of the underlying fraud in this real estate business.

The Act recognizes and protects 9 fundamental consumer rights such the right to fair, just and reasonable terms and conditions. If businesses commit offences by failing to adhere to the consumer protection laws, harsh penalties will ensue. The Consumer Protection Act (CPA) aims to promote a fair, accessible and sustainable market place for consumer products and services. It also aims to establish national norms and standards to ensure better consumer protection. The CPA applies to every transaction within Uganda i.e goods and services provided to consumers for consideration in the ordinary course of business. This includes the State and franchises operating within Uganda.

The CPA therefore affects most businesses with only a few exceptions.

The Consequences of Non-compliance

A contract may be rendered void or a fine or term of direct imprisonment may be imposed.

1. In the case where a person is convicted of a breach of confidence the penalty is a fine or imprisonment for a period not exceeding a number of years. A breach of confidence occurs when a person discloses any personal or confidential information concerning the affairs of any person, obtained in carrying out any function in terms of the CPA.

2. Other offences not relating to the disclosure of personal or confidential information have consequences of possible fines and / or imprisonment for a period not exceeding 12 months.

3. Fines for prohibited or required conduct such as marketing goods in a false or misleading manner may cause the Consumer Protection Tribunal to impose a fine. An administrative fine imposed in the CPA that may not exceed the greater of 10% of the respondents annual turnover during the preceding financial year.

When determining an appropriate fine, the National Consumer Tribunal must consider the following factors:

1. The nature, duration, gravity and extent of the contravention.

2. Any loss or damage suffered as a result of the contravention.

3. The behavior of the respondent.

4. The market circumstances in which the contravention took place.

5. The level of profit derived from the contravention.

6. The degree to which the respondent has co-operated with the Commission and the Tribunal.

7. Whether the respondent has previously been found in contravention of this Act.

It is important for every business operating in South Africa to ensure compliance of the CPA. The easiest way to do this is to use a checklist. In case of non-compliance a contract may be rendered void, fines of up to R1 million imposed or worse still, you may be locked behind bars!

THE OTHER PERSON WHO HAS PROPERLY MARKETED THE FRAUDULENT KYAPA MUNGALO ISSUED ON PRIVATE MAILO LAND IS THE BUGANDA KINGDOM CHIEF EXECUTIVE OFFICER VIDE THE EVIDENCE BELOW.

SOURCE

;http://radiosapientia.com/news/buganda-premier-angry-with-emenies-of-kyapa-mungalo-campaign/

BUGANDA PREMIER ANGRY WITH EMENIES OF KYAPA MUNGALO CAMPAIGN

By Olivia Nnabaggala

The Katikiro of Buganda Charles Peter Mayiga has urged Ugandans to be aware of those who condemn the plan of issuing out land titles dubbed "kyapa mungalo that was launched last month for all those on Kabaka's land.

Addressing members of the Buganda Lukiiko Mayiga said many of the sabotours have already secured their land tittles from Buganda land board but are consistently decampaigning the process in public and are the same people who condemned the fundraise drive Etofaali.

Last week Buganda land board exposed the land titles that former state house press sectary tamale Mirundi and the public relations officer of the kibuli Muslim Sect Sheikh Nuhu Muzaata Batte who are the same people going around misleading others.

Meanwhile Mayiga welcomed the government's constituted land Commission of Inquiry saying it will help to unearth major causes of land wrangles in the country but , feared that its findings might not be shared nor implementing the recommendation as it has been to other inquiries.

The seven member commission of land inquiry chaired by hon. Justice Catherine Bamugemereire started its work last week on Wednesday MAY 3rd and they have to submit their report to the President within three months.

Other members on the commission include, Owekitiibwa Robert Ssebunnya, Mrs. Mary Oduka Ochan, Mrs. Joyce Gunze Habaasa,Dr. Rose Nakayi, Hon. Fredrick Ruhindi and Mr. George Bagonza Tinkamanyire.

DAILY MONITOR

Mengo digs in on land title project

MONDAY MAY 8 2017

Katikiro Peter Mayiga

By James Kabengwa

KAMPALA. Buganda Kingdom premier Charles Peter Mayiga last month directed the Buganda Land Board, (BLB), a corporate body mandated by the Kabaka to manage the Buganda Kingdom land, to issue land titles to all people who have settled on Kabaka's land.

Buganda insists that the intervention is aimed at pacifying the increasing land disputes in Buganda region and strengthening the security of tenure on the kingdom land. The campaign, according to Mr Noah Kiyimba, the kingdom spokesperson, is in line with the various laws and

legislations, in particular the Land Amendment Act of 2010, to issue leasehold certificates of title to all interested tenants on Kabaka's land at subsidised costs.

But some sections of the public, especially those that are directly affected claim that Mengo is plotting to grab people's land since it had the discretion of either renewing the 49 years' lease or not upon expiry.
One of Kabaka's subjects, Mr Male Mabirizi, has since filed a case with the High Court in Kampala seeking a temporary order stopping the newly launched scheme, arguing that it is intended to deprive tenants of their land ownership rights.

A public debate has ensued with critics: Mr Tamale Mirundi, the presidential adviser on the media and Mr Nuhu Muzaata, the spokesperson of Kibuli Muslim faction, describing the initiative as a ploy by the kingdom to deprive tenants on Kabaka land of their land that they have held for centuries.
Both Mr Muzaata and Mr Mirundi called for the sacking of Katikkiro Mayiga, saying he is plotting the collapse of the kingdom by imposing some of his policies on the people of Buganda.

In the middle of the heat, however, BLB last week issued a statement clarifying on the campaign.
"Buganda Land Board will continue with the innovative

approach aimed at securing tenancy on the kingdom land as well as giving occupants chance and a conducive environment to develop their land. Acquiring lease hold is voluntary and those willing to maintain their kibanja status are free to do so provided they pay Busuulu and abide by the various land laws," they said in the statement.

Buganda caucus MPs visiting the katikkiro on April 27, asked for at least 99 years. The minister for Lands while inaugurating the Justice Catherine Bamugemereire land tribunal, ordered the commission to investigate the issue of "Kyapa mu Ngalo".

Mr Kiyimba on Friday issued two documents purported to be lease certificates belonging to Mr Mirundi and Mr Muzaata

"We decided to make the documents public to show you how insincere some leaders like Mr Mirundi and Mr Muzaata are. They have files with BLB and they have both applied for leases on Kabaka's land," Kiyimba said. But Mr Muzaata disputed the document and instead asserted that the said land is not his but that of his father although the document bear his photographs.

Mr Mirundi told this newspaper that he has never and will never ask for a lease from Mengo.
"I only applied, and did that blindly in 2006 before I

realised those people were not straight. By then the company that registered me was KK," Mr Mirundi said.

Mr Kiyimba insists that "Kyapa mu Ngalo" campaign has come to save the masses from the "likely losses". The managing director of Sisimuka Uganda, Mr Frank Gashumba, challenged the kingdom to come up with a translation of what the public is supposed to pay to acquire a lease.

"But even with this demand, the initiative is a sham orchestrated by people who want to enrich themselves while enslaving the masses," Mr Gashumba said.

Voices

"This drive primarily targets people in urban areas that have strict requirements like having lease certificates or land titles from controlling authorities before their structural plans can be approved," Kiyimba Kato

"But even with this demand, the initiative is a sham orchestrated by people who want to enrich themselves while enslaving the masses," Frank Gashumba

"I only applied, and did that blindly in 2006 before I realized those people were not straight. By then the

company that registered me was KK," Tamale Mirundi

editorial@ug.nationmedia.com

The author would want to assume that Charles Peter Mayiga is the Group Chief Executive of the Buganda Kingdom Group. This would in the eyes of the lay man imply that the Buganda Land Board vide his presents are a subsidiary of the group and will therefore be liable for the group accounts per se unless he can prove otherwise. In case he proves otherwise, he will then have to explain to the public the ambit upon which he did relay to support the scheme. On the assumption that Charles Peter Mayiga is the group chief executive, he had the obligation to the public to explain the misfortunes of the Kyapa Mungalo leases curved out of mailo land. He is also responsible for for the overall success of a business entity or other organization and for making top-level managerial decisions. He may ask for input on major decisions but they are the ultimate authority in making final decisions.

In addition to the overall success of the Buganda Kingdom, Charles Peter Mayiga is responsible for leading the development and execution of long-term strategies, with the goal of increasing stakeholder value.

In Buganda Kingdom, he usually only deals with high-level corporate strategy and major company decisions. Other tasks are delegated to other managers or departments.

There is no standardized list of the roles and responsibilities of a chief executive officer. The typical duties, responsibilities and job description of Charles Peter Mayiga and Kyewalabye Male as well include: Communicating, on behalf of the company, with shareholders, government entities, and the public, Leading the development of the company's short- and long-term strategy, Creating and implementing the company or organization's vision and mission, Evaluating the work of other executive leaders within the company, including directors, vice presidents, and presidents, Maintaining awareness of the competitive market landscape, expansion opportunities, industry developments, etc. Ensuring that the company maintains high social responsibility wherever it does business, Assessing risks to the company and ensuring they are monitored and minimized and Setting strategic goals and making sure they are measurable and describable. Given that you are now privy to the roles these gentlemen are obliged to do in the kingdom, we then became aware they are supposed to design, implement, control and monitor the management information systems therefore that guard the entity frim fraud and

malfeasance coupled with criteria for safeguarding the corporate assets.

After having become privy to this information. You will realize that the key organizers of systematic white collar crime are the strategic management teams. They form a web of fraud that is intertwined in the management information systems. They go a notch higher and make cliques that require sophiscated forensics and a lot of time to unearth those normal everyday auditors will not be able to correlate. In the case of Kyapa Mungalo curved out of private mailo land, it was a merger of two fraudulent organizations who have as a result of continued practice been able to up stamp the art of fraud that they develop systematic collusion that is used to fleece both the macro and microeconomic entities that do exist in the country.

1) The organizers of these crimes are the head of the board, the general manager and the financial affairs manager.

2) The style of the crime is to hide the debts and create resources and increase the tended inflation aiming to create entities of special purpose.

3) Guiding the crime and investors to the profitability of the company and the debts to deceive them out of reality.

4) Using the lack of auditing jobs for companies.

5) The results of the information that you are privy to is most likely going to lead to over 5000 cases of fraud when people and organizations discover that they were treated to the most brazen theft where they were offered titles on land not majorly owned by the Buganda Land Board and the person of the Kabaka of Buganda.

While Kimbugwe Omulwanyamuli of Kongojje pointed in his study to that there are three items that should have alerted investors and the unsuspecting public much sooner:

1) ***The great reliance on "lands trading" for profits. These trading activities formed for about 80% of the <u>Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited</u>'s earnings and land is a fixed resource with no regeneration capacity unless business process reengineering has been done. In the effort to reengineer business, the shareholders and management of the Buganda Kingdom then chose to engage in systematic fraud that would only be unearthed later in this book.***
2) ***2) The acceleration of great, unrealized, non-cash gains into their current earnings even though it was hugely likely that none of these gains would actually materialize.3) The famous***

partnerships and own purpose vehicles, which hid the stolen revenues and were controlled by company insiders as discussed by Charles Peter Mayiga .Tamale Mirundi and Muyanga Lutaya of NBS Television deemed in their study "Red Flags in Buganda Kingdom's Reporting of Revenues and Key Financial Measures." That what was uncovered in the late 2018 of the Buganda Kingdom company's effort to hide the assets in entities with special purposes which depends on maintaining a high value of the fragile Buganda Land Board shares to maintain and exist, this was the cause of the collapse of the company. Investors revealed how the board of the company and the administration failed even in the basic aspects of governance and inspection of companies. The problems in Buganda Land Board was even bigger because of the method of compensation system and managing performance which participated in a wrong culture, this participated in increasing the focus on the short-term profits. A culture pushed by the fear of increased compensation of deals, usually without caring for the quality of the cash flows or profits and the numbers

of account to obtain quicker attachment in a time to maintain a fragile support to the price of Buganda Land Board's company's shares. Thus, the deal makers and the executive managers ensure that they will have big cash rewards and the profits from buying the forged Kyapa Mungalo leases over private mailo land which the public took as trite truth on the assumption that the land that was beingsold to them was owned by the person of the Kabaka of Buganda without even having made the due diligence checks that are legally required by the law before land purchase. This was coupled with the massive adverstisements and public relations done on their media special purpose vehicle by the names of Central Broadcasting Service which further gave the public information which was considered as gospel truth. The public relations that where used to drive the fraudulent brand in the form of Kyapa Mungalo was so organized in between organization that they deserve to be charged with contempt of fraud for they provided public with information which in form appeared true yet the underlying's were substantial fraud with

no exclusion clause provided by them on the accuracy of what they were broadcasting. Given that Central Broadcasting Corporation has more than an arm's length relationship with the Buganda Land Board and the Buganda Kingdom, they should be blamed in tandem for the disaster they knowingly caused Uganda.

3) *Although the disaster of Buganda Land Board happened in history, functional disorder on wide range, interests conflict, collapse of the standards of governance and the practices of the consulting administration to present the purchased had went far from destroying the trust of investors and weakening the validity and affectivity of the performance of judging companies. Until more reformations are executed and enhance the practices of governance for companies, the way to regain the trust of investors and the work of real estate companies and the Buganda Kingdom Technocrats in accounting, consulting and legal services, banking services, investment counseling, and crediting classification sectors will be difficult .*

4) *The collapse of the Buganda Land Board and fines that will be paid by the subsidiaries of the Buganda Kingdom in which this fraud was perpetrated, was not because of the common international accounting standards or auditing standards, but the professional ethics itself. The Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was not committed in the mechanisms of measurement and disclosure related to companies and assigned objectives, along with the involvement of the auditors of its accounts; Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited, by not reporting that and providing clear reports. the investigation uncovered that Charles Peter Mayiga that was used to execute double works, the chief executive officer of the Buganda Kingdom group and the Massive Public Relations consultant, in addition, the Buganda Land Board using his clout on the kingdom and given the goodwill it has built in the public over the long run was used as the pole vault of perpetrating the fraud, which means that the Chief*

Executive Officer of the group was not independent from the company of Buganda Land Board, which led him to follow such immoral behavior. We realized that there was a positive relationship between the control of the group Chief Executive Officer's performance and the independence, objectivity and integrity of Charles Peter Mayiga and the qualification, skills and the type of organizational strategic planning clearly lacked the knowledge of proper corporate governance that is expected of the 21st Century business professional .Training on corporate governance, the whole exercise consists of checking with the academic knowledge of control theory. It is necessary to establish the cause of development and control theory. Courses in auditing, licensing, education and learning in graduate programs, and this is an important issue is related to a large extent on the quality of education and increase efficiency, as global professional like the Chartered Institute of Fraud Examiners, The Association of Chartered Certified Accountants , The Institute of Auditors and the Chartered Institute of Financial Analysts have pointed

out. It's also evident that Charles Peter Mayiga, Kyewalabye Male and others where very ignorant of the corporate governance mechanisms. None of these people had ever run a business whose capitalization is over a Billion dollar asset threshold and neither had they been brought up in institutions that had this kind of capitalization like J P Morgan had. They were new kids on the block who were excited by everything that came there way and they decided to run the business that had been legally established based on emotions and lack of strategic policy planning.

Corporate governance is the system of rules, practices and processes by which a company is directed and controlled. It strives to balance the interests of the various stakeholders in a company such as shareholders, management, customers, suppliers, financiers, government and the community to provides the framework for attaining a company's objectives, it encompasses practically every sphere of management, from action plans and internal controls to performance measurement and corporate disclosure. Governments are endeavoring to enhance their maneuverability to eliminate the associated risks by various

packages of financial measures. As the Organization of Economic Cooperation and Development mentioned a definition for governance of companies, which is the system through which companies are guided and managed, and through which the rights and responsibilities between different parties such as the board, managers and shareholders and others of people with interests are determined. It also assigns the rules and procedures of making decisions about the affairs of the company, as well as assigning structure through which the objectives of the company, the methods of achieving them and mechanisms of inspecting the performance are put. The effective governance of companies requires a sane legal, organizational and foundational frame that the participators in the market can depend on having private contractual relationships. This frame is usually consisted of governance of companies on the elements of legislation, organization, automatic organizational arrangements, volunteering commitments and commercial practices. Countries which aim to execute the principles of inspecting the frame of governance of companies, including the organizational ones, insertion requirements and commercial practices, in order to maintain the enhancement of its participation in the integrity of the market and the economic performance, it is important to take into

consideration the interaction and integration between the different elements of the frame of governance of companies and its total ability to enhance the ethical, responsible and transparent practices of governance of companies. This analysis shall be deemed as an important tool in the process of developing an effective frame of governance of companies according to the following:1) The frame of governance shall be put aiming to affect the macro economic performance and the safety of the market and the motivations which it creates to the participators in the market and enhance transparent markets that work well.2) The legal and organizational requirements which affects the practices of the governance of companies shall fit with the supremacy of law and transparency and to be executable.3) Dividing the responsibilities between different authorities shall be clarified and designed to serve the public interest.4) Organization of financial market shall support the effective administration. Inspection: The organizational and executive authorities shall have integrity and the resources to do its duties in a professional and objective way. In addition, the decisions shall be made in appropriate time and they shall be transparent and clear as discussed by OECD .

In the wisdom of Charles Peter Mayiga and his cronies in the Buganda Kingdom, this was not considered prime and given that the gentleman also had influence and significant control over the broadcasting channel of the Buganda Kingdom, he would publically tarnish any check onto the system as an effort to fight the Buganda Kingdom and would turn the whistle blower or strategic advisor into an enemy of the Kingdom.

Examine how specific decisions made at Buganda Kingdom Group show the intelligence or lack of it on the part of its executives.

If you're like most, you've been astonished, disillusioned and angered as you learned of the meteoric rise and fall of Buganda Land Board. Please refer to the company's website commercial of not so long ago, ending with the reverberating phrase, "Securing A Kibanja on Kabaka's Land Has Been Made Easy, Try It Now"

That statement is now on everyone's lips. The Buganda Land Boards case is a dream for academics who conduct research and teach. For those currently or formerly involved with the company, such as creditors, auditors, the President of Uganda and accounting regulators, it's a nightmare that will continue for a long time.

On the surface, the motives and attitudes behind decisions and events leading to Buganda Land Board's eventual downfall appear simple enough: individual and collective greed born in an atmosphere of market euphoria and corporate arrogance. Hardly anyone—the company, its employees, analysts or individual investors—wanted to believe the company was too good to be true. So, for a while, hardly anyone did. Many kept on buying the forged land titles systematically done with the initiative of Charles Peter Mayiga and Kyewalabye Male together with the fraudsters at the Ministry of Lands Department of Registration and Administration who had perfected the art of title forgery and incorporating the same into the Management information system that made the fraud look genuine, the corporate mantra and the dream. In the meantime, the company made many high-risk deals, some of which were outside the company's typical asset risk control process. Many went sour in the early months of 2018 as when the members of the Mwanga Royal Family demanded to know why title mutates where being done at Mutungo Kigo under the Brand Mirembe villas on land that was and for a long time been used to house sanctify houses and royal regalia which they wanted to put up to restore the cultural dictates of the Buganda Kingdom and its people. Methods the company used to disclose (or creatively obscure) its complicated financial dealings were

erroneous and, in the view of some, downright deceptive. The company's lack of transparency in reporting its financial affairs, followed by financial restatements disclosing billions of dollars of omitted liabilities and losses, contributed to its demise. The whole affair happened under the watchful eye of Charles Peter Mayiga, who kept a whole floor of public relations officer assigned at Buganda Land Board zonal offices with the duty of planning, implementing and monitoring how best his fraudulent forgery scheme of Kyapa Mungalo majorly over private mailo land was being done ultravires the law .Where the public was vigilant and could resist, Mayiga together with Kyewalabye Male did engage private military companies as the case was seen at Kigo and Busabala were private armies were maintained to threaten and at times brutally maim the landlords just like the legal shenanigans with land grabbing experience do.

Charles Peter Mayiga began to change the corporate culture of Buganda Kingdom to match the company's transformed image as a trading business. He set out on a quest to hire the best and brightest traders, recruiting associates from the top MBA schools in the country and competing with the largest and most prestigious investment banks for talent. In exchange for grueling schedules, Buganda kingdom pampered its associates with a long list of corporate perks, including concierge services and a

company gym. Charles Peter Mayiga rewarded production with merit-based bonuses that had no cap, permitting traders to "eat what they killed."

One of Charles Peter Mayiga's earliest hires was Andrew Kizito Bashir Nsubuga, a simple above adolescent-year-old boy and member of the Uganda institute of surveyors who had been working on surveys with a firm of surveyors and had mastered the land in central Buganda and developed a user friendly link with friendly allies in the Ministry of Lands Department of Land Registration and Administration and other complicated deals concerning land title forgery in a number of areas in Uganda. Kizito Bashir Nsubuga became Charles Peter Mayiga and Kyewalabye Male's protg in the same way Wassajja (Omulangila) had become Ronald Muwenda Mutebi's(Kabaka). Kizito Bashir Nsubuga moved swiftly through the ranks and was promoted to Head of Survey and Research after having fought so many insider battles that so some of the legal departments staff leave for they would not risk there carriers for fraud engineered systematically by the trio above mentioned and there subordinates. As Kizito Bashir Nsubuga oversaw the building of the company's vast trading operation, Charles Peter Mayiga and Kyewalabye Male oversaw its financing and public relations by ever more complicated means.

As Buganda Land Board's reputation with the outside world grew, the internal culture apparently began to take a

darker tone. Charles Peter Mayiga and Kyewalabye Male instituted the performance review committee (PRC), which became known as the harshest employee-ranking system in the country. It was known as the "360-degree review" based on the values of Buganda Land Board—respect, integrity, communication and excellence (RICE). However, associates came to feel that the only real performance measure was the amount of profits they could produce. In order to achieve top ratings, everyone in the organization became instantly motivated to "do deals" and post earnings. Employees were regularly rated on a scale of 1 to 5, with 5s usually being fired within six months. The lower an employee's PRC score, the closer he or she got to Charles Peter Mayiga and Kyewalabye, and the higher the score, the closer he or she got to being shown the door. Charles Peter Mayiga and Kyewalabye's division was known for replacing up to 15% of its workforce every year. Fierce internal competition prevailed and immediate gratification was prized above long-term potential. Paranoia flourished and trading contracts began to contain highly restrictive confidentiality clauses. Secrecy became the order of the day for many of the company's trading contracts, as well as its disclosures. That is why whenever any member of the public had any question about the accountability and the Buganda Land Board, Charles Peter Mayiga would come up in arms as we saw for the case of

the television presentation guru Tamale Mirundi and the Islamic Cleric Sheik Abdu Nohu Muzaata.

HOW HIGH THEY FLY

Coincidentally, but not inconsequentially, the Ugandan economy during the late 2010s was experiencing the longest bull market in its history. Buganda Land Board's corporate leadership, Charles Peter Mayiga excluded, comprised mostly young people who had never experienced an extended bear market. New investment opportunities were opening up everywhere, including markets in real estate development. The Ugandans demanded double-digit growth from practically every venture, and Buganda Land Board was determined to deliver.

In 2010s Kizito Bashir Nsubuga became Head of operations, survey and research. He convinced Charles Peter Mayiga and Kyewalabye Male the Kyapa Mungalo leases on private mailo land that was actually not owned by the Kabaka model could be applied to the market for Real Estate Development as well. Charles Peter Mayiga and Kyewalabye Male traveled widely across the country, selling the concept to the heads of financial institutions, the public, the Government of Uganda and to the regulators.

The company became a major political player in Uganda, lobbying for opposition politicians who used it as the base

for their political public relations in return for marketing a real estate product in the names of Kyapa Mungalo whose fundamental build and legality they couples actually not understand. In 2010s the company developed a number of zonal offices which then later climaxed after 2015 when the President of Uganda handed over a number of titles to have them transmitted to the owners or there beneficiaries if they were dead. By the end of that year, Charles Peter Mayiga and Kyewalabye Male had developed the division by then known as the Buganda Land Board zonal offices into the nation's largest wholesale real estate and bear land seller. Revenue grew significantly for the special purpose vehicle Buganda Land Board, and the number of employees in the division skyrocketed to more than 200 from 50. Using the same concept that had been so successful with the Ministry of Lands Registration and Administration department that had successfully employed it in the massive land title forgery under freehold tenure under the supervision of the former Chief Registrar of Titles ,Yusufu Kagumire and highly practiced by the renown fraudster Sarah Kulatta Basangwa, interdicted Commissioner Land Registration and Administration they were ready to create a market for anything that anyone was willing to trade: Condominiums, plots, survey services, construction services and even land registration.

Perhaps Buganda Land Board''s most exciting development in the eyes of the financial world was the creation of the Land Electronic Card Online (LE Card) . Buganda Land Board has introduced an innovative system of land management through a secure smart card to minimize on fraud during land transactions. The uniqueness of this smart card is its;Ability to avail real-time data to tenants in time of need and query.Saves the owner from carrying a lot of documents during Transaction.It's convenient and simplifies transactions i.e transactions can be done at any time and day. It fights fraud and impersonation and It's secure. This smart card uses the Biometric palm vein technology which links tenant identities to their land records. For an Individual to acquire the LE. Card he or she pays 100.000/= where as a Company (ies) pay 200.000/=.These are products that were made so that they could provide a bundle of services which would get the customer to involved and help them to perpetrate the fraud.

Land Electronic Card Online (LE Card), an electronic real estate trading Web site, was significant for at least two reasons. First, Buganda Land Board was counterparty to every transaction conducted on the platform. Traders received extremely valuable information regarding the "long" and "short" parties to each trade as well as the products' prices in real-time. Second, given that Buganda

Land Board's was either a land registrar or a seller in every transaction, land title production risk management was crucial and Buganda Land Board's credit was the cornerstone that gave the real estate investment community the confidence that Buganda Land Board provided a safe transaction environment. Buganda Land Board became an overnight success, handling $1 billion in online commodity forged land title leads that involved Kyapa Mungalo forged over private mailo.

The world of technology opened up the Internet, and the IPO market for technology and broadband communications companies started to take off. In the 2000s Buganda Kingdom Group announced an ambitious plan to build a high-speed broadband telecommunications network and to trade network capacity, or bandwidth, in the same way it traded land and condominiums they had built as a result of a venture with the Chinese at Kigo, Mutungo and which would also be subsequently seen at Sentema. Automatically without ever disclosing the detaiks of the land ownership, Charles Peter Mayiga and Kyewalabye Male developed a brand that traded as ,"Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty

the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients.". They never explained the details of the land ownership and the beneficiaries of these estates that had been returned became skeptical. With the advent of the law of adverse possession in play, special thanks to John Wampamba who thought it wise to seek court advice on the merits that Buganda Land Board was selling and mutating the land in question and the legal ambit within which the same was done. In the case detailed as The Republic Of Uganda In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling,Before Honourable Lady Justice Eva K. Luswata) it was ruled that,"…… I have read and agree fully with the authorities relied on by the applicant. A suit instituted for or against a non-existent person is bad in law. This is an error that goes to the root of the claim and substitution of such a party with a real or corporate person cannot be permitted in law.

No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is

thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs."

What beat our understanding is that the advocate for transparency and good reporting Charles Peter Mayiga never pronounced this to the public as he normally does for other things. Given that he is the Chief Executive Officer,

such ruling could have triggered him to seek for wisdom on how best they could become legal. He instead Kept quiet and continued using the special purpose vehicle that had been declared illegal as the tool that was specifically acting as the agent for the sale of the forged mutations on private mailo land contrary to the legal requirement that the owner can do so.

In fact to prove that these gentlemen where the architects of the fraud, in the case of (The Republic Of Uganda, In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling, Before Honorable Lady Justice Eva K. Luswata) it was ruled that,"…… The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states inter alia that:-

1. *The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.*
2. *The applicant is a non-existing person with no capacity to sue and or be sued.*

3. *The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.*

4. *The respondent/plaintiff has no cause of action, or at all, against the applicant.*

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his counsels' absence. The applicant applied to have the application to proceed exparte under Order 9 rule 20(1) CPR which was granted by this court……"

From this case, it's very evident that the strategic management of the Buganda Kingdom and the Buganda Land Board have been doing trade using an entity that actually cannot be sued or sue for it lacks the capacity to do so and have been using it as a vehicle in which land mutations have been made and sold to the unsuspecting public ultravires the legal requirement that its only registered entities to do so.

The evidence of the fraud engineered by the strategic management of the Buganda Kingdom and the Buganda Land Board can be evidenced in the case of (The Republic Of Uganda In The High Court Of Uganda At Kampala (Land Division),Misc. Application No. 1086 Of 2017,(Arising From Civil Suit No. 535 Of 2017),Prince Kalemera H.

Kimera (Applicant) Versus The Kabaka Of Buganda And Buganda Land Board (Respondents) <u>Before: Hon. Mr. Justice Bashaija K. Andrew)</u> where as part of the ruling an affidavit had been sworn by Kizito Bashir Juma stating that, "…….The Respondents opposed the application and filed an affidavit in reply and another as a supplementary affidavit sworn by Bashir Juma Kizito. I will specifically address latter affidavit and the objections to it raised by joint counsel for the Applicants later in this ruling.

Mr. Bashir Juma Kizito states that he is Head Physical Planning, Survey and Research of the 2nd Respondent with due and lawful authority to swear the affidavit on behalf of the Respondents in reply to that of the Applicant. That he is advised by the Respondent's Advocates, and verily believes it to be true, that the consent judgment between M/s. Wameli & Co. Advocates and the Asst. Commissioner for Surveys & Mapping in HCMA No. 278 of 2015 was irregularly obtained and is bad in law. That it was signed off by a one Dr. Yafesi Okia, the then Asst. Commissioner for Surveys & Mapping; an officer who has no independent legal personality and thus who, in law, is not capable of suing or being sued, and as such lacked the necessary locus to enter the purported consent judgment, and nor did he have the capacity to bind the Government

of Uganda or the other Respondent in HCMA No. 278 of 2015.

Mr. Kizito further states that he is advised by the Respondents' Advocates, and verily believes it to be true, that the Applicant does not establish, on the face of the plaint or by any annextures thereto, his locus standi to bring an action for or on behalf of the estate of Ssekabaka Sir Daudi Chwa II. That he is further advised by the Respondents' Advocates, and I verily believes it to be true, that the orders sought by Applicant are untenable in law, because they have the effect of determining or disposing of the main suit, rendering it nugatory……."

Yet in the ruling detailed as *(The Republic Of Uganda,In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent)* Ruling, Before Honorable Lady Justice Eva K. Luswata) the same Kizito Bashir Juma who was the Head Land Management Department of the applicant did provide information on which the ruling was based that,"(…….. The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states inter alia that:-

1. The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.
2. The applicant is a non-existing person with no capacity to sue and or be sued.
3. The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.
4. The respondent/plaintiff has no cause of action, or at all, against the applicant.

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his counsels' absence. The applicant applied to have the application to proceed exparte under Order 9 rule 20(1) CPR which was granted by this court……) .In furtherance , (……..Counsel for the applicant submitted that in paragraph 2 of the plaint, the applicant was referred to by the plaintiff/ respondent as a body corporate capable of being sued. With such averment in the plaint, the burden of proof shifted to the plaintiff to prove the proper capacity of the defendant to sue and to be sued. Section 101 of the Evidence Act Cap 6 puts the burden of proof of a fact on the one who asserts that

fact. That the plaintiff in this case has to discharge this burden to the required standard. It was also argued that the applicant in paragraph 2 of the Written Statement of Defense clearly averred that it filed the Written Statement of Defense in protest as it is not aware of its legal existence but nevertheless, it was served with court process. It was contended that, the applicant has no legal capacity to sue or be sued in its name and the respondent has failed to discharge this burden since he has not opposed the application by filing an affidavit in reply.

Counsel further submitted that a suit in a name of a non-existing plaintiff or defendant is bad in law and the same ought to be rejected by court. Counsel relied on the case of Fort Hall Bakery Supply Co. Vs. Fredrick Muigai Wangoe [1959]1 EA 474. That such a suit against a non-existent party cannot be amended to replace a party that has legal existence since there is no plaint at all. On this principle, counsel relied on the cases of Trustees of Rubaga Miracle Centre Vs. Mulangira Simbwa HCMA No. 516 of 2005 and Auto Garage vs. Motokov [1971] EA 514. A suit against a non-existent party is misconceived, incompetent and frivolous and the same ought to be dismissed, see also Justice Yorokamu Bamwine in Bagamugunda Vincent vs. UEB (in liquidation) HCCS No. 400 of 2007.

It is trite that where facts are sworn in an affidavit and the other party does not file an affidavit in rebuttal, the facts therein are presumed to have been accepted by the other party. It was held in the case of Samwiri Massa Vs. Rose Achen [1978] HCB 297 that where certain facts are sworn in an affidavit, the burden to deny them is on the other party and if he or she does not, they are presumed to have been accepted and the deponent need not raise them again. If they are disputed then he has to defend them. In the instant case, the applicant swore an affidavit stating that it is not a body corporate. However the respondent who was alleging so(by effect of his pleadings) did no present dispute that fact as sworn by the applicant……)

This implies that the legal capacity of Buganda Land Board was declared non extant and nothing. This would similarly apply that a nonexistent entity legally does not have the right to do business nor does it have the right to be sued or to sue. In the eyes of an intelligent by stander, case involving an institution that has been declared a legal nullity is as good as nothing or a void case.

Case law has held that the failure of a corporation to properly register is a defense which must be raised either by answer or motion or in any case prior to the entry of a judgment or else it is waived as a defense as the issue is one of "lack of capacity to sue". [Household Bank (SB), NA

v Mitchell, 12 AD3d 568 (2004)]. This failure to properly register with the registrar of companies when coupled with its failure to register as a licensed real estate developer creates a fraud on both the public and the court. The statute was not designed to allow a corporation to thumb its nose at Uganda law and then as part of its business practice rely in Ugandan courts to correct its statutory obligations which would have been covered at inception.

Every lawyer who initiates an action should be careful to confirm that he has the right defendant, and, also, that his client has "standing" to sue this defendant. In an action to recover for personal injuries, for example, he should avoid naming anyone as a defendant until he has reasonable proof that the putative defendant caused or contributed to the accident, or was responsible for preventing it.

And if the lawyer — either because he fails in his obligation to investigate or stubbornly ignores the facts — receives notice from the defendant or his attorney, or in a pleading or deposition, indicating that he has named the wrong defendant or that his client lacks "standing," he should immediately stop to determine whether he is justified in proceeding or whether the wiser course would be to discontinue.

The lawyer who ignores these basic principles risks both a motion for sanctions and the possibility of a disciplinary complain

The risk of judicial sanctions was illustrated by the decision of Supreme Court Judge Arthur M. Schack in Robertson v. United Equities Inc., #35718/04, New York Law Journal, July 11, 2008. The proper defendant in the action was United Equities Corp. (UEC), not United Equities Inc. (UEI), as alleged by plaintiff. Relying on an affidavit by UEI's president that UEC and UEI were not the same entity, Judge Schack awarded summary judgment to UEI and ordered a hearing to determine if plaintiff Robertson and his attorney, Regina Felton, had engaged in "frivolous conduct" by continuing the action against UEI.

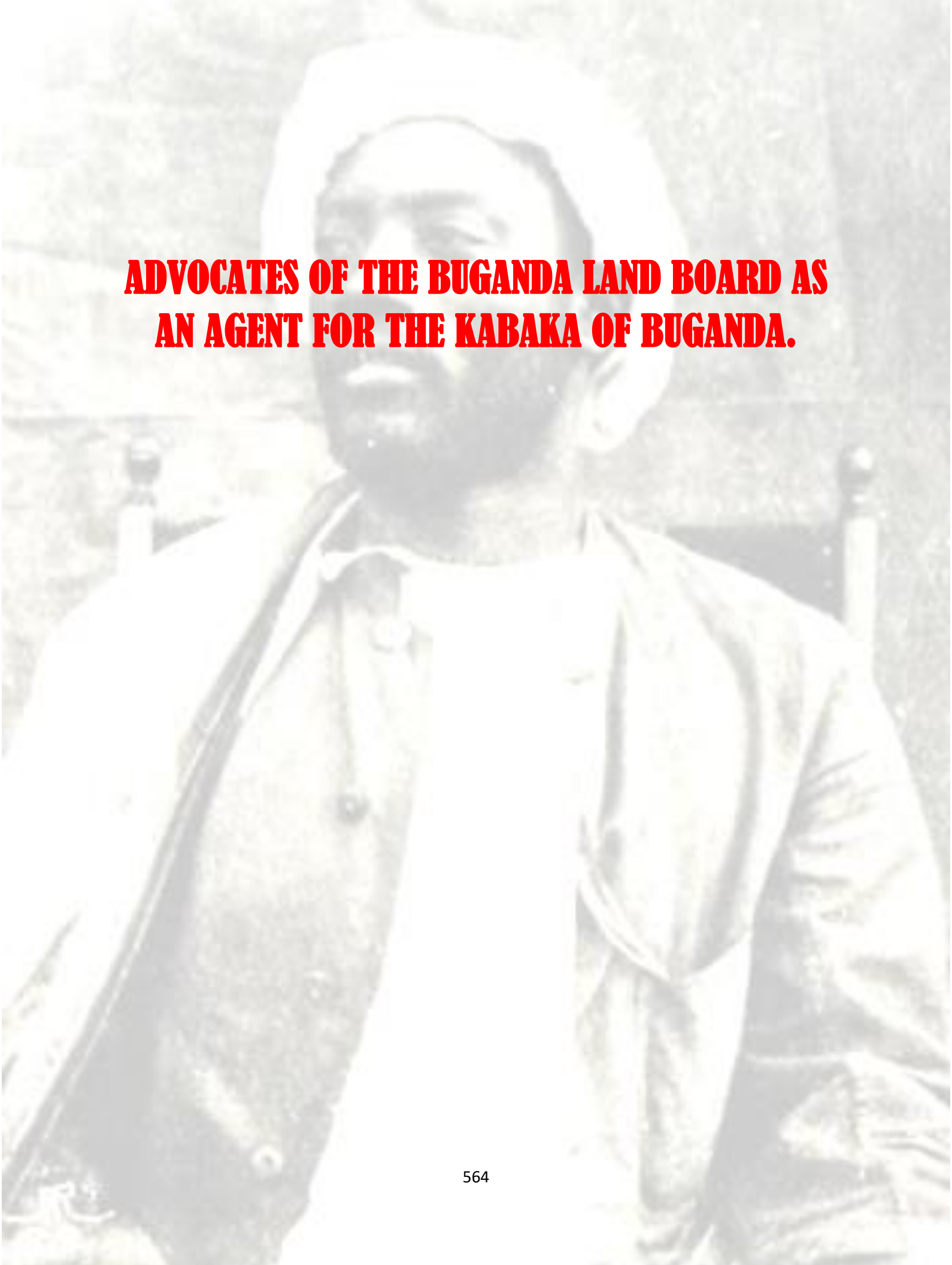
The Court cited the following facts: (1) Ms. Felton had ignored documentary evidence absolving UEI and refused to ac-knowledge her mistake; (2) in his affirmation, defendant's attorney had described his role in forming UEI and had denied that it had ever owned property in Kings County (apparently a fact essential to plaintiff's lawsuit); (3) defendant's attorney had called plaintiff's attorney to tell her she had the wrong party, but she had insisted that defendant answer the com-plaint nevertheless; (4) one of defendant's attorneys had sent numerous letters and faxes to plaintiff's attorney showing her mistake; (5)

plaintiff's attorney had refused to discontinue the action even after she learned of her mistake.

The Court concluded:

Ms. Felton, for reasons unknown to the Court, persistently continued the action against UEI, the wrong defendant. This forced UEI to continue to litigate this matter and incur wasteful litigation-related expenses.

[Her] failure…to discontinue the instant action against UEI, after being presented with clear evidence that UEI was the wrong corporation sued, is 'frivolous' [citing 22 NYCRR §130-1.1]. So we should all be ware.



ADVOCATES OF THE BUGANDA LAND BOARD AS AN AGENT FOR THE KABAKA OF BUGANDA.

In the case of ***(The Republic Of Uganda,In The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent)*** .No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article **246 (3) (a) of the Constitution** provides that:

> *"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets*

or properties in trust for itself and the people concerned."

Therefore, the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board was dismissed for being instituted against an entity or person having no legal existence or an entity not known in law.

The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. This implies that the Buganda Land Board simply has the mandate over Kingdom Land. This will imply that for us to know where the entity prior mentioned we need to understand the perquisites required for the land to be considered as owned by the Buganda Kingdom and not any other.

The Supreme Court has confirmed the sanctity of property rights under the Constitution. Article 26 of the Constitution on freedom from deprivation of property provides for prompt payment of fair and adequate compensation prior to the State's compulsory acquisition of any property. The Court ruled that the Land Acquisition Act (Cap 226) is unconstitutional in so far as it provided for the compulsory acquisition of property before the payment of compensation to the owner.

Article 26 of the Constitution which the respondents alleged to have been contravened provides:

"26 protection from deprivation of property.

1. ***Every person has a right to own property either individually or in association with others.***
2. ***No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied-(a) the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for-(c) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property and a right of access to a court of law by any person who has an interest or right over the property."***

After considering the historical background in this country where people's properties were compulsorily acquired by government during the past regimes, the Constitutional Court concluded that the 1995 Constitution is very restrictive on the powers of the government to acquire land compulsorily.

The Constitution also provides for prior payment of compensation before taking possession or acquisition.

Before such compulsory acquisition takes place Article 26 (b) (i) provides that: ***"Prompt payment of fair and adequate compensation; prior to the taking of or acquisition of property."***

The authorities of the Re Sheik Abdul ***Sheik Abdul Sentamu& Another and Richard Mwami Vs Attorney General*** (supra) are distinguishable from the instant appeal. They were references to the Court and the petitioners were seeking for enforcement of fundamental human rights and there were no issues requiring constitutional interpretation. This petition had issues of constitutional interpretation. Though Article 274 of the Constitution allows existing laws to be interpreted by other courts and tribunal so as to bring them in conformity with the Constitution, the Constitutional Court has the original jurisdiction for constitutional interpretation which should not be denied to it by anybody if it so chooses to exercise it.

Many people who are in favor of the fraud practiced by the Buganda Land Board on private mailo individually owned and not covered within the realm of the *Traditional Rulers (Restitutions of Assets and Properties) for this act was only made to restitute what prior existed before the 1967 debacle legally as is and the mandate for the person of the Kabaka to*

take over private mailo land individually owned is not part of the past law and this has been so stated since the inception of the idea of the Buganda Land Board and the Uganda Land Commission in the 1961 Buganda Agreement.

Article 2(1) of the Constitution provides for supremacy ***"this Constitution is the supreme law of Uganda and shall have biding force on all authorities and persons through at Uganda."***

"In this case it is common ground that the government indeed has connived with Person of the Kabaka,The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom to taken over the private mailo land owners property under Statutory Instrument Number 247 of 2013, Traditional Rulers (Restitutions of Assets and Properties) for this act was only made to restitute what prior existed before the 1967 debacle legally as is and the mandate for the person of the Kabaka to take over private mailo land individually owned is not part of the past law and this has been so stated since the inception of the idea of the Buganda Land Board and the Uganda Land Commission in the 1961 Buganda Agreement. **This is the wisdom that was carried out by the framers of the act.**

According to Article 26 of the Constitution compensation should have been made before the land was gazetted for

acquisition by government and donating it to the person of the Kabaka now in the form and substance of Ronald Muwenda Mutebi and his cronies for the formation of the product known as Kyapa Mungalo. By the operation of the law the Buganda Land Board, The Buganda Kingdom and the Person of the Kabaka took over the private mailo owners' land without adequately compensating them, has used very brute force to disperse them and has even ensured that they die of poverty in a bid to kill the traces of evidence. There was no need to evaluate the evidence. The fraud has further been perpetrated by the actions of the officers of the Ministry of Lands, Department of Land Registration and Administration who are close to finishing and exterminating ownership of private mailo land owners by ensuring that they are not put into the new lands registration and administration system with an intention of legalizing the fraud engineered by them and their Buganda Land Counter parts. This kind of thing has been previously tried in Australia against the Maori people but it could not succeed because the land mutations in Buganda and Uganda are safely kept in the archives of the colonial masters and with their support held by families that hold these titles in mailo.

Article 26 of the Constitution requires prior payment of compensation for the deprivation of property by the Government. Article 43 of the Constitution limits the

enjoyment of fundamental rights and freedoms where it is demonstrably justifiable and if provided for by the Constitution. Article 43 2 (c) of the Constitution states that public interest shall not permit

"any limitation of enjoyment of rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society or what is provided in this Constitution".

The provisions are very clear and I cannot appreciate the arguments by appellant's counsel that when one reads Articles 26 and 43 together taking one's land prior to compensation becomes constitutional. This in my view would be contrary to the rules of Statutory and Constitutional interpretation. Where a provision of the law is clear it must be interpreted as it is.

It is evident from Article 44 that Article 26 is not indicated among the non derogable rights. That notwithstanding, it does not give powers to government to compulsorily acquire people's property, without prompt of fair and adequate compensation prior to the taking of possession of the property.

In the application of the ownership of private mailo land and its grabbing by the Buganda Land Board, we need to consider the ruling in the case of Uganda National Roads

Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014 where The Supreme Court has confirmed the sanctity of property rights under the Constitution.

Article 26 of the Constitution on freedom from deprivation of property provides for prompt payment of fair and adequate compensation prior to the State's compulsory acquisition of any property. The Court ruled that the Land Acquisition Act (Cap 226) is unconstitutional in so far as it provided for the compulsory acquisition of property before the payment of compensation to the owner

So before the Mayegas ,Mutebis and Kyewalabye Males and there cronies can take over anyone's mailo land through there fraudulent schemes known as Kyapa Mungalo, due consideration needs to be given to the case of Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014 .

The Supreme Court upheld the Constitutional Court decision that the Land Acquisition Act as well as the *Traditional Rulers (Restitutions of Assets and Properties)* is inconsistent with Article 26 of the Constitution and therefore unconstitutional. The Supreme Court held further that whereas Article 26 was not among the non-derogable rights, this does not give powers to Government

to compulsorily acquire people's land without prior payment, and that such planned Government projects do not fall under the exceptions of disasters and emergences.

AGENCY FOR THE BUGANDA LAND BOARD IN THIS FRAUD PERPETRATED BY NON OTHER THAN THE PERSON OF THE KABAKA OF BUGANDA PRESENTLY RONALD MUWENDA MUTEBI

We need to understand the agency law properly. The **law of agency** is an area of commercial law dealing with a set of contractual, quasi-contractual and non-contractual fiduciary relationships that involve a person, called the **agent**, that is authorized to act on behalf of another (called the principal) to create legal relations with a third party. (*"Document-Id:911000", Trans Lex.org, Restatement of Agency (Second) § 1. Agency; Principal; Agent. "(1) Agency is the fiduciary relation which results from the manifestation of consent by one person to another that the other shall act on his or her behalf and subject to her control, and consent by the other so to act. (2) The one for whom action is to be taken is the principal. (3) The one who is to act is the agent."*)

Succinctly, it may be referred to as the equal relationship between a principal and an agent whereby the principal, expressly or implicitly, authorizes the agent to work under his or her control and on his or her behalf. The agent is, thus,

required to negotiate on behalf of the principal or bring him or her and third parties into contractual relationship. This branch of law separates and regulates the relationships between:

1. agents and principals (internal relationship), known as the principal-agent relationship;
2. agents and the third parties with whom they deal on their principals' behalf (external relationship); and
3. principals and the third parties when the agents deal.

In India, section 182 of the Contract Act 1872 defines Agent as "a person employed to do any act for another or to represent another in dealings with third person.

An agent who acts within the scope of authority conferred by his or her principal binds the principal in the obligations he or she creates against third parties. There are essentially three kinds of authority recognized in the law: actual authority (whether express or implied), apparent authority, and ratified authority.

Actual authority can be of two kinds. Either the principal may have expressly conferred authority on the agent, or authority may be implied. Authority arises by consensual agreement, and whether it exists is a question of fact. An agent, as a general rule, is only entitled to indemnity from the principal if he or she has acted within the scope of her actual authority, and may be in breach of contract, and liable to a third party for

breach of the implied warranty of authority. In tort, a claimant may not recover from the principal unless the agent is acting within the scope of employment.

Express actual authority means an agent has been expressly told he or she may act on behalf of a principal.

Implied actual authority, also called "usual authority", is authority an agent has by virtue of being reasonably necessary to carry out his express authority. As such, it can be inferred by virtue of a position held by an agent. For example, partners have authority to bind the other partners in the firm, their liability being joint and several, and in a corporation, all executives and senior employees with decision-making authority by virtue of their position have authority to bind the corporation. Other forms of implied actual authority include customary authority. This is where customs of a trade imply the agent to have certain powers. In wool buying industries it is customary for traders to purchase in their own names.(Cropper v Cook 1867). Also incidental authority, where an agent is supposed to have any authority to complete other tasks which are necessary and incidental to completing the express actual authority. This must be no more than necessary.(Rosenbaum v Belson 1900).

Apparent authority (also called "ostensible authority") exists where the principal's words or conduct would lead a reasonable person in the third party's position to believe that

the agent was authorized to act, even if the principal and the purported agent had never discussed such a relationship. For example, where one person appoints a person to a position which carries with it agency-like powers, those who know of the appointment are entitled to assume that there is apparent authority to do the things ordinarily entrusted to one occupying such a position. If a principal creates the impression that an agent is authorized but there is no actual authority, third parties are protected so long as they have acted reasonably. This is sometimes termed "agency by estoppel" or the "doctrine of holding out", where the principal will be estopped from denying the grant of authority if third parties have changed their positions to their detriment in reliance on the representations made. Restatement of Agency "Except for the execution of instruments under seal or for the conduct of transactions required by statute to be authorized in a particular way, apparent authority to do an act is created as to a third person by written or spoken words or any other conduct of the principal which, reasonably interpreted, causes the third person to believe that the principal consents to have the act done on his behalf by the person purporting to act for him."

***Rama Corporation Ltd v Proved Tin and General Investments Ltd* [1952] 2 QB 147, Slade J,** "Ostensible or apparent authority... is merely a form of estoppel, indeed, it has been termed agency by estoppel and you cannot call in aid

an estoppel unless you have three ingredients: (i) a representation, (ii) reliance on the representation, and (iii) an alteration of your position resulting from such reliance." In the case before us an entity called Buganda Land Board is an agent for the Person of the Kabaka of Buganda just as we see in the ***Rama Corporation Ltd v Proved Tin and General Investments Ltd* [1952] 2 QB 147,** **and will be assumed to take over the obligations which would have been taken over by their master but the problem is that there is already a ruling that pronounces its existence yet the team with in it have been actively engaged in forging titles over private mailo land with an example of this being those forged over the Block 269 Wakiso under a special purposes vehicle owned by the *Person of the Kabaka,The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom and is being done as a joint venture with a gang of chinesse thieves.***

In the case of *Watteau v Fenwick,* ([1893] 1 QB 346) Lord Coleridge CJ on the Queen's Bench concurred with an opinion by Wills J that a third party could hold personally liable a principal who he did not know about when he sold cigars to an agent that was acting outside of its authority. Wills J held that "the principal is liable for all the acts of the agent which are within the authority usually confided to an agent of that character, notwithstanding limitations, as between the

principal and the agent, put upon that authority." This decision is heavily criticised and doubted, (**e.g. GHL Fridman, 'The Demise of Watteau v Fenwick: Sign-O-Lite Ltd v Metropolitan Life Insurance Co' (1991) 70 Canadian Bar Review 329**) though not entirely overruled in the UK. It is sometimes referred to as "usual authority" (though not in the sense used by Lord Denning MR in *Hely-Hutchinson*, where it is synonymous with "implied actual authority"). It has been explained as a form of apparent authority, or "inherent agency power".

This has become a more difficult area as states are not consistent on the nature of a partnership. Some states opt for the partnership as no more than an aggregate of the natural persons who have joined the firm. Others treat the partnership as a business entity and, like a corporation, vest the partnership with a separate legal personality. Hence, for example, in English law, a partner is the agent of the other partners whereas, in Scots law where there is a separate personality, a partner is the agent of the partnership. This form of agency is inherent in the status of a partner and does not arise out of a contract of agency with a principal. The English Partnership Act 1890 provides that a partner who acts within the scope of his actual authority (express or implied) will bind the partnership when he does anything in the ordinary course of carrying on partnership business. Even if that implied authority has been revoked or

limited, the partner will have apparent authority unless the third party knows that the authority has been compromised. Hence, if the partnership wishes to limit any partner's authority, it must give express notice of the limitation to the world. However, there would be little substantive difference if English law was amended:[partners will bind the partnership rather than their fellow partners individually. For these purposes, the knowledge of the partner acting will be imputed to the other partners or the firm if a separate personality. The other partners or the firm are the principal and third parties are entitled to assume that the principal has been informed of all relevant information. This causes problems when one partner acts fraudulently or negligently and causes loss to clients of the firm. In most states, a distinction is drawn between knowledge of the firm's general business activities and the confidential affairs as they affect one client. Thus, there is no imputation if the partner is acting against the interests of the firm as a fraud. There is more likely to be liability in tort if the partnership benefited by receiving fee income for the work negligently performed, even if only as an aspect of the standard provisions of vicarious liability. Whether the injured party wishes to sue the partnership or the individual partners is usually a matter for the plaintiff since, in most jurisdictions, their liability is joint and several.

Having scoped out what the agencies are. We would then look at the Buganda Land Board. Some of the people like my friend Joseph Kayemba of the social media face book defines Buganda Land Board as,"a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients."

After having adduced the law concerning ownership of land as was ruled in the case of Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014, the Kabaka of Buganda can only own land if he meets the requirements of article 26 of the constitution of Uganda which state that," 1. Every person has a right to own property either individually or in association with others.

2. No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied-(a) the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and(b) the compulsory taking of possession or acquisition of property is made under a law

which makes provision for-(c) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property and a right of access to a court of law by any person who has an interest or right over the property.”). Given that this has now been made clear by the supreme court , His majesty the Kabaka of Buganda cannot be considered a legal exception and this explains why he cannot enforce any thing equitable to ownership of private mailo land without ever acquiring it from the beneficiaries or the actual owners of those estates. This will then automatically imply that the curve out of Charles Peter Mayiga and Kyewalabye Male’s curve out of Kyapa Mungalo leases without the consent of the land lords is brazen theft on both the private mailo land lords and the people who have bought these forged titles.

With this considered , we will assume that the Buganda Land Board special purpose vehicle though illegal by law is an agent of the ***Person of the Kabaka,The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom.***

THE NEXT QUESTION WILL BE CAN AN AGENT BE LEGALLY OBLIGED FOR THE FRAUD COMITTED BY HIM AND WHAT ARE THE CIRCUMSTANCES.

Staff of the Buganda Land Board

The Buganda Land People

AGENT LIABILITY WITH REGARDS TO FRAUD

Liability for fraudulent utterances is not limited to misstatements made about on-site land conditions, but can include misstatements made about off-site land conditions and surroundings.u4 As long as the on-site or off-site misrepresentations are material to the transaction, buyers who rely on them can sue the person making the misstatement.

According to the Law of Torts, a matter is material if a reasonable person would attach importance to the matter's existence or nonexistence in determining his or her choice of action in the transaction. A matter also can be material if the maker of the misrepresentation knows or has reason to know that its recipient regards or is likely to regard the matter as important in determining the choice of action, although a reasonable person would not so regard it. **(See, e.g., Landriani v. Lake Mohawk Country Club, 97 A.2d 511, 512 (N.J. Super. Ct. App. Div. 1953); Roberts, 85 A. at 244)**

In **See Roberts v. James, 85 A. 244, 246 (N.J. 1912).,** a land vendor induced a purchaser to buy empty lots in a field after promising that development of the surrounding area was imminent. More specifically, the seller falsely promised that there were going to be houses, sidewalks, parks, hotels, and train stations built which would make the now-empty lots more valuable in the future. None of the promised development occurred, and the purchaser was left with profitless land. The

New Jersey Court of Errors and Appeals noted that the seller knew at the time of the sale that there would be no development, and that his promises were fraudulent. Therefore, the sales contract was induced by fraud and could be rescinded. The fact that the seller had made no misstatements concerning the plot of property itself was irrelevant, since the promised development around the land was material to the buyer. Courts have recognized that location is the universal benchmark of land value and desirability.**(Strawn v. Canuso, 657 A.2d 420, 431-32 (N.J. 1995).** Off-site conditions often are very important to buyers.

Fraud liability extends to any harm that results from the deception of the buyer. In **(Landriani v. Lake Mohawk Country Club,(97 A.2d 511, 512 (N.J. Super. Ct. App. Div. 1953).** a landowner induced a purchaser to buy a cottage adjoining a lake by falsely representing that the purchase would entitle the buyer to a membership in a nearby resort club. At the same time, the seller conspired with the club owner to bar the buyer from obtaining membership. Relying on the seller's misrepresentations, the purchaser bought the property and later was denied membership. When the buyer sued, the vendor asserted that the promise of club membership was entirely unconnected to the sale of the property. The New Jersey Supreme Court disagreed and found the seller liable for fraud, stating that a false

inducement of any kind that caused damage was actionable for fraud. (**See Landriani, 97 A.2d at 512; Roberts v. James, 85 A. 244, 246 (N.J. 1912).**

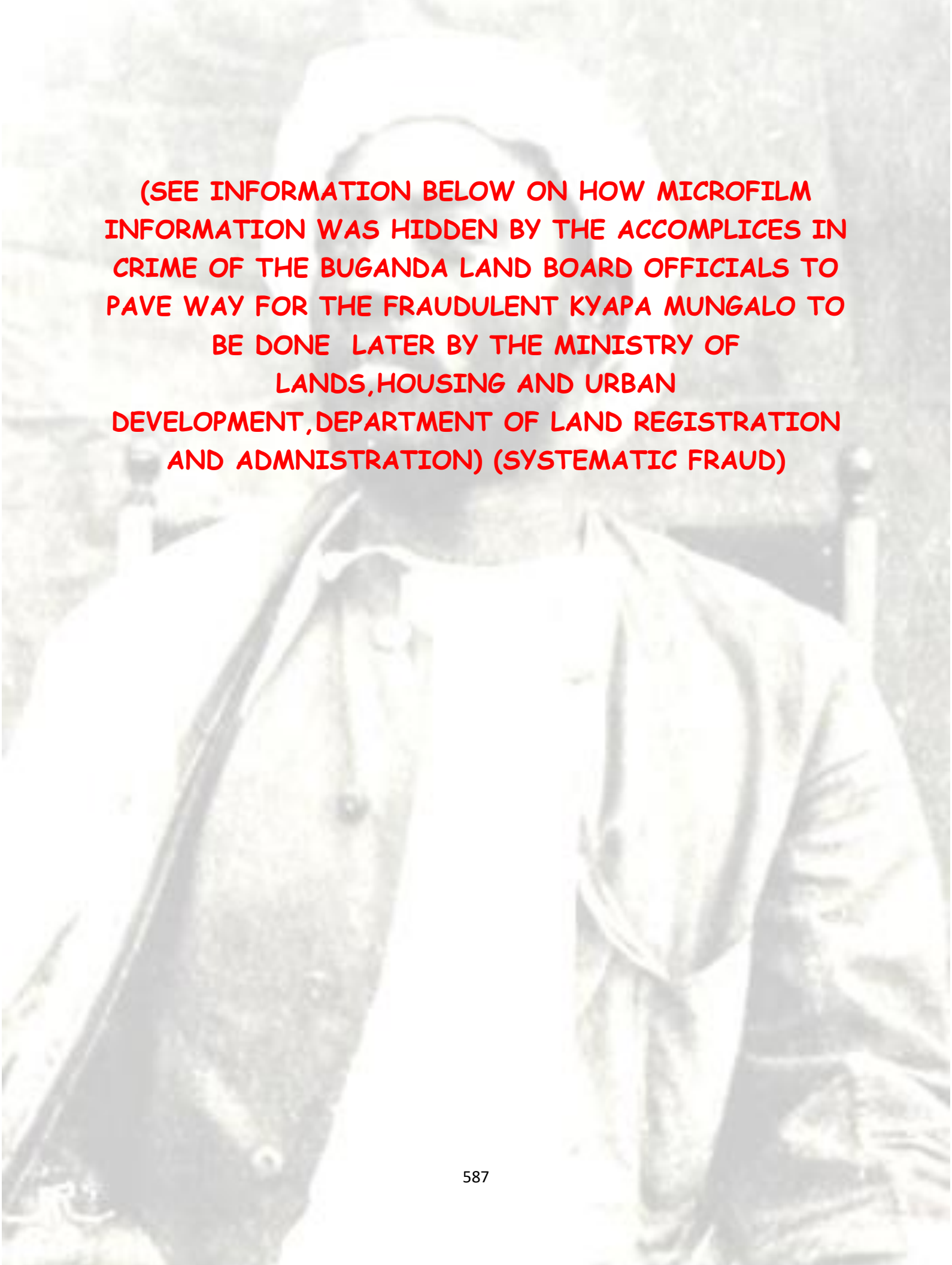
In summary, as long as the fundamental elements of fraud are proven-deliberate material misrepresentation, buyer reliance on the misrepresentation, and damage proximately caused-the maker of those misrepresentations is liable for damages.**(2 See Katz v. Schacter, 598 A.2d 923, 929-30 (N.J. Super. Ct. App. Div. 1991); Landriani, 97 A.2d at 512-13.)** Courts draw no distinction between lies about on-site or off-site property conditions if the falsehoods are material and induce the buyer to purchase.**(See Katz, 598 A.2d at 929-30; Landriani, 97 A.2d at 512-13.)** Once a land purchaser relies on a misstatement to his detriment, the common law of fraud provides him with a remedy. (**See Katz, 598 A.2d at 929-30; Landriani, 97 A.2d at 512-13.).**

In the before us as can be construed from the Buganda Land Board website. It is clear that the marketing team together with the strategic management have represented that ,"Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and

service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients"

These are the presents that have been given to people who they have cheated on FC18454 Block 273 Kyadondo *(hereinafter the "suit land")* the estate of the late H.H Sir. Daudi Chwa II. The people have received Kyapa Mungalo on Daudi Chwa Land and evidence can be retrieved from the Ministry of Lands Department of Land Registration denying some of the beneficiaries of Daudi Chwa ownership of the same land and even going ahead to illegally sue them as we see in the case of (THE REPUBLIC OF UGANDA,IN THE HIGH COURT OF UGANDA AT KAMPALA,(LAND DIVISION),MISC. APPLICATION NO. 1086 OF 2017,(ARISING FROM CIVIL SUIT NO. 535 OF 2017),PRINCE KALEMERA H. KIMERA (APPLICANT) VERSUS THE KABAKA OF BUGANDA and BUGANDA LAND BOARD (RESPONDENTS) BEFORE: HON. MR. JUSTICE BASHAIJA K. ANDREW. Block 273 is part of those blocks that was confiscated in the fraud engineered by Kulatta as seen in the information below.

THE KABAKA OF BUGANDA and BUGANDA LAND BOARD (RESPONDENTS) are close persons to the officials of the Ministry of Lands Registration and Administration and they have been exchanging information in between them for a long time . This can be evidenced by the information given below which we need to be privy to.



(SEE INFORMATION BELOW ON HOW MICROFILM INFORMATION WAS HIDDEN BY THE ACCOMPLICES IN CRIME OF THE BUGANDA LAND BOARD OFFICIALS TO PAVE WAY FOR THE FRAUDULENT KYAPA MUNGALO TO BE DONE LATER BY THE MINISTRY OF LANDS,HOUSING AND URBAN DEVELOPMENT,DEPARTMENT OF LAND REGISTRATION AND ADMNISTRATION) (SYSTEMATIC FRAUD)

INTERNAL MEMO

To: C/S&M

C.c. PS

From: Ag.DLM/CLR

Date: 8/5/2014

RE: **RETURN OF MICROFILM RECORDS**

Joseph
This is to require you again to complete the arrangement. You need to have all the films sent by the given deadline.
15/04/14

You recall that a decision was made at the Heads of Departments meeting that you return all the microfilm records. You recall that the reason behind it was that Entebbe Mapping and Surveys was giving out information to the public which was misleading. We have discussed this on many occasions.

A case in point is Busiro Block 453 Plot 32 where you gave out information to the CIID/Commandant Land Protection Police Unit. Based on your report, it was aired on the UBC and NTV Medias that all the titles which are coming out of this land are forged and the police stated that they are basing on your report. As the author of the report I should have hoped that you would have corrected the police but so far I have not seen any response from you.

As Land Registration Department we have impressed it upon you that it is best if you are giving out microfilm information it should be complete to the present. For one reason or another you have not sent all the microfilm records.

Can you please arrange and have the microfilm records sent to Land Registration by Friday, 16th May 2014.

Sarah Kulata Basangwa
Ag.DLM/CLR

SURVEYS & MAPPING DEPARTMENT
RECEIVED
15 MAY 2014
P. O. BOX 1, ENTEBBE

Part of the information confiscated by Sarah Kulata Basangwa is that for Block 273 which we need to see.

INTENAL MEMO

TO: AG. DLM

C.C MINISTER
C.C ALL MINISTERS OF STATE
C.C PS

FROM: CSM

DATE: 16TH MAY 2014

RE: TRANSFER OF MICROFILM RECORDS FROM ENTEBBE LAND OFFICE TO KAMPALA HEADQUARTERS

Reference is made to your Internal Memo dated 18th November 2013, concerning the above captioned subject.

As requested please receive some of the Microfilm records which have been organized and ready for you to receive.

Microfilm records which have been sent, cover the following counties:

County	Block Name	Block Numbers	
Kyadondo	Kyadondo	27-37	}
Kyadondo	Kyadondo	249-271	}
Kyadondo	Kyadondo	265	} 6 Films
Kyadondo	Kyadondo	244	}
Kyadondo	Kyadondo	215-221	}
Kyadondo	Kyadondo	60-67	}
Busiro	Busiro	553-604	}
Busiro	Busiro	514-552	}
Busiro	Busiro	341-377	}
Busiro	Busiro	106-144	} 7 Films
Busiro	Busiro	314, 474, 476	}
Busiro	Busiro	412-466	}
Busiro	Busiro	159-194	}
Singo	Singo	1-30	}
Singo	Singo	544-577	}
Singo	Singo	472-503	} 6 Films
Singo	Singo	31-60	}
Singo	Singo	107	}

Singo	Singo	108-123	}
County	**Block Name**	**Block Numbers**	
Bulemezi	Bulemezi	875-993	}
Bulemezi	Bulemezi	654-706	}
Bulemezi	Bulemezi	215-380 & 434-691	} 5 Films
Bulemezi	Bulemezi	991-1025 & 133-223	}
Bulemezi	Bulemezi	204-232	}
Singo	Singo	629-739	}
Singo	Singo	170-189	}
Singo	Singo	303-328	} 5 Films
Singo	Singo	615-650	}
Singo	Singo	367-414	}
Bulemezi	Bulemezi	297-316	}
Bulemezi	Bulemezi	741-821	}
Bulemezi	Bulemezi	70-88	}
Bulemezi	Bulemezi	668-739	} 7 Films
Bulemezi	Bulemezi	233-249	}
Bulemezi	Bulemezi	706-943	}
Bulemezi	Bulemezi	180-203	}
Kyadondo	Kyadondo	118-130	}
Kyadondo	Kyadondo	154-193	}
Kyadondo	Kyadondo	82-86	} 4 Films
Kyadondo	Kyadondo	101-117	}
Busiro	Busiro	86-101	}
Busiro	Busiro	195-240	} 4 Films
Busiro	Busiro	468-513	}
Busiro	Busiro	269-279	}
Singo	Singo	504-524	}
Singo	Singo	269-302	}
Singo	Singo	449-451	} 4 Films
Singo	Singo	- -749	}
Bulemezi	Bulemezi	632-788	}
Bulemezi	Bulemezi	916-990	}
Bulemezi	Bulemezi	2-12	} 5 Films
Bulemezi	Bulemezi	32-53	}
Bulemezi	Bulemezi	297-316	}
Agreements and Transfers			} 2 Films
Total Number of Films			**55 Films**

Please note that the Blocks were based on Counties and the Microfilm records which have been sent are of the Counties on Blocks.

I have also sent you Mr. Dan Mukiibi (Lithographer) to assist you to set-up a mini Laboratory for storing the films. There is need to make some back-ups and to procure a microfilm reader.

Please acknowledge receipt of the films.

M.N. Kajumbula
COMMISSIONER, SURVEYS AND MAPPING

The information above that was extracted by Sarah Basangwa Kulatta. In her wisdom she has always preached that these land records were not legal and this is wrong and a misrepresentation done with the intention of perpetuating fraud. The above information was made and prepared to comply with Chapter 228 of the Laws of Uganda.(Land in Buganda Provisional Certificates, 1922).This is very good law which is supported by effect 7 and 8 of the Registration of Titles Act, Cap 230 and effect 26 of the 1995 Constitution of Uganda.

Given that Sarah Kulatta did request for the original microfilm information from Entebbe. This information can be used as collaborative to determine the ownership of block 273. We find that the Buganda Land Board has made Kyapa Mungalo Mutates over this land fraudulently and sold them to the unsuspecting Ugandans. This land we are talking about covers the areas of Masajja, Gangu, Kazzi, Munyonyo, Gabba among other areas and the land is for Daudi Chwa. This land in question known as Block 273 also covers the areas that include but are not limited to Speke Resort Munyonyo, Wavah Munno Residence, The Agah Khan Freehold among others who are also holding titles over block 273.

Speke Resort Munyonyo

Speke Resort Munyonyo

Given that the people at the Buganda Land Board did not conceal to the buying public that the land on block 273 is registered in the names of H.H Sir Daudi Chwa II, and registered as FC18454 Block 273 Kyadondo *(hereinafter the "suit land")* and went on to issue leases on it in the names of *Person of the Kabaka,The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom.* *Gives the unsuspecting crowd a scinitilla of misrepresentation. The issuance of titles over the land in question without the Buganda Land Board the agent ever disclosing the ownership to the unsuspecting public amounts to fraud that should be dealt with deservingly.*

Although courts long have considered affirmative misstatements acts of fraud, courts were slow to recognize non-disclosure as an act of fraud. 135 For a number of years, courts adhered strictly to the traditional common law definition of fraud, which required that there be an affirmative act.(See, e.g., Weintraub v. Krobatsch, 317 A.2d 68, 75 (N.J. 1974). Under this narrow interpretation of the common law, a land seller who refused to disclose material information to a purchaser was not liable for fraud. (See Wamhoff, supra note 7, at 554) Silence, by definition, could not qualify as an utterance.

In (Swinton v. Whitinsville Savings Bank, 42 N.E.2d 808, 809 (Mass. 1942). the Massachusetts Supreme Judicial Court held that a seller had no duty to disclose information about termite infestation to a purchaser. (See Swinton v. Whitinsville Say. Bank, 42 N.E.2d 808, 809 (Mass. 1942). In that particular instance, the seller had made no verbal or written mention about termite infestation to the buyer. Because disclosure would have lowered the value of the house, the seller deliberately refused to inform the buyer. The buyer purchased the house and belatedly discovered the extensive termite infestation. The Swinton court stated that even though there might have been a moral obligation for the vendor to speak, the law had not reached the point of imposing idealistic standards of morality on people. In response to the judiciary's refusal to find non-disclosure fraudulent, one commentator remarked that permitting a seller to take advantage of a buyer's ignorance so long as he was not actively misled was "singularly unappetizing. (William L. Prosser, Handbook On The Law Of Torts 696 (4th Ed. 1971).

Courts gradually rejected the analysis and decision of the Swinton court because non-disclosure did not conform with notions of justice and fair dealing.(See, e.g., Weintraub v. Krobatsch, 317 A.2d 68, 75 (N.J. 1974) Citing public policy concerns, courts started expanding common-law

fraud liability to cover land sellers who failed to disclose unfavorable on-site property conditions to purchasers. In Weintraub v. Krobatsch, for example, a home owner sold a roach-infested house to an unsuspecting buyer. When the buyer tried to rescind the sales contract, the seller claimed that she was under no duty to speak and that consequently, there was no legal grounding for the fraud complaint by the purchasers. The district court dismissed the purchaser's complaint, but the Supreme Court of New Jersey reversed and remanded. The court pointed out that "silence may be fraudulent" and that relief may be granted to one contractual party where the other suppressed facts which the party "under the circumstances, is bound in conscience and duty to disclose to the other party, and in respect to which he or she cannot, innocently, be silent."(Keen v. James, 39 N.J. Eq. 527, 540 (N.J. 1885).

Gradually, the common law evolved to include non-disclosure and silence as fraud.(See RESTATEMENT, supra note 100, § 551) According to the Restatement (Second) of Torts, one who fails to disclose to another a fact that he knows may justifiably induce the other to act is subject to the same liability to the other as though he made an affirmative misrepresentation if, and only if, he is under a duty to the other to exercise reasonable care to disclose the matter in question. Therefore, before there can be

liability for nondisclosure, the buyer must prove the existence of a duty to disclose.

In the cases before us where Kyapa Mungalo leases are issued over private mailo land, the buyer had a duty as part of the due diligence to establish who the actual owner of the land is but at the same time since the seller herein being Buganda Land Board for and on behalf of the Kabaka of Buganda had an obligation together with the Ministry of Lands Department of Land Registration and Administration to register such leases as encumbrances on the freehold or mailo parent as encumbrances in line with the requirements of the Torrens acts and in line with the dictates of fair reporting in the accounting standards as required by corporation law and the combined code of corporate governance. The mere fact that the seller did not make such disclosures done in line with the prior legal presents is breach of legal requirements to comply with the law and under the law of torts, there is a scintilla of fraud.

The Restatement notes that a duty can arise in at least two distinct manners. First, a seller has a duty to disclose facts basic or material to the transaction, if he or she knows that the other party is ignorant of those facts. The official Comments clarify when this first type of duty arises. The Comments observe that there is a duty to disclose when the advantage taken of a party's ignorance is so shocking to the ethical sense of community, and is so

extreme and unfair, as to amount to a form of swindling, in which a party is led by appearances into a bargain that is a trap, of whose essence and substance he is unaware. Therefore, a land seller cannot withhold basic information about the land from an ignorant purchaser without violating a duty to disclose.

The Weintraub court determined that there were two criteria that had to be established before a common-law fraud claim involving non-disclosure could be successful. First, a seller had to know about the condition and deliberately remain silent. Second, the concealment had to be of a significant or material nature to the purchaser. Minor conditions which ordinary sellers and purchasers reasonably would regard as of little or no materiality in the transaction would clearly not call for judicial intervention.

In the instant case involving the Buganda Land Board on H.H Sir Daudi Chwa II, and registered as FC18454 Block 273 Kyadondo (hereinafter the "suit land") a ruling that has put into play an order exists but these facts have never been disclosed to the unsuspecting public in the area who have run to the Buganda Land Board to get Kyapa Mungalo titles .(THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA (LAND DIVISION) MISC. APPLICATION NO. 1086 OF 2017 (ARISING FROM CIVIL SUIT NO. 535 OF 2017),PRINCE

KALEMERA H. KIMERA (APPLICANT) VERSUS THE KABAKA OF BUGANDA and BUGANDA LAND BOARD (RESPONDENTS) BEFORE: HON. MR. JUSTICE BASHAIJA K. ANDREW.

According to the Restatement, a duty to disclose also can arise generally when there is a special relationship between parties. A party to a business transaction is under a duty to exercise reasonable care to disclose, before the transaction is consummated, matters known to him that the other is entitled to know because of a fiduciary or similar relationship of trust and confidence between them. Thus, if there is a duty to speak arising from a special trust relationship between the buyer and the seller, the suppression of truth is equivalent to the expression of a falsehood.

The court noted that whether a person owes a duty of reasonable care toward another turns on whether such a duty satisfies an abiding sense of basic fairness under all circumstances in light of considerations of public policy. That inquiry involves identifying, weighing, and balancing several factors: the relationship of the parties, the nature of the attendant risk, the opportunity and ability to exercise care, and the public interest in the proposed solution. The court further stated that the determinations must lead to solutions that properly and fairly resolve

specific cases and generate intelligible and sensible rules to govern future conduct.

Once a duty to disclose is established, materiality has to be proven. Materiality has the same definition whether the case involves affirmative misstatements or non-disclosure of information. Information is material if a reasonable person would attach importance to a fact's existence or nonexistence in determining his or her choice of action in the transaction.(Materiality definition accepted by the Chartered Accountants of England and wales) The duty to disclose applies to any material fact, including conditions which are intangible in nature. *(See Stambovsky v. Ackley, 572 N.Y.S.2d 672, 676-77 (N.Y. App. Div. 1991).* ***In Stambovsky v. Ackley, a purchaser unwittingly bought a house widely reputed to be possessed by poltergeists. The seller had known about the alleged apparitions and had even helped spread the house's reputation. Once the purchaser discovered this information, he sued the seller for common-law fraud. The New York Supreme Court decided that, while caveat emptor was still the standard doctrine of the state, equity and tenets of fair dealing required that the contract be rescinded. The Stambovsky court stated that where a condition is peculiarly within the knowledge of the seller or unlikely to be discovered by a prudent purchaser, the seller should disclose the information.***

Something as intangible as negative land reputation also can be a material fact. In Reed v. King, the California Third District Court of Appeals sustained an action of fraud by a land buyer who was not told that his newly purchased house had been the scene of a mass murder several years earlier.(See Reed v. King, 193 Cal. Rptr. 130, 132-33 (Cal. Dist. Ct. App. 1983). The commercial broker, who knew about the stigmatized quality of property, had refused to inform the buyer about the land's negative reputation. The fact that there was no physical or legal defect with the property did not concern the court. The Reed court declared that reputation and history could have a significant effect on the value of realty. Ill-repute or "bad will" would be a material fact if it depressed the value of property. Failure to disclose such a negative fact where it will have a foreseeably depressing effect is a fraudulent act.

In determining the existence of a land seller's duty to disclose on-site land conditions, the focus of the inquiry involves policy concerns of fundamental fairness. If a seller refuses to disclose material information to a buyer, the non-disclosure is fraudulent.(See Stambovsky v. Ackley, 572 N.Y.S.2d 672, 676-77 (N.Y. App. Div. 1991); Reed, 193 Cal. Rptr. at 133.)

Duty to Disclose On-Site Land Conditions Applies to All Types of Sellers-Professionals, Non-Professionals, and Agents

The duty to disclose on site conditions applies to all types of seller professionals, nonprofessionals and agents who ijn the instant case include the Buganda Land Board who as per the law claim are agents for the kabaka of Buganda as in the case of (The Republic Of Uganda In The High Court Of Uganda At Kampala (Land Division) Misc. Application No. 1086 Of 2017 (Arising From Civil Suit No. 535 Of 2017),Prince Kalemera H. Kimera (Applicant) Versus The Kabaka Of Buganda And Buganda Land Board (Respondents) Before: Hon. Mr. Justice Bashaija K. Andrew.). The formulation of leases on private mailo land without the consent of the private mailo land owners is indeed an exhibition of day light robbery.

The example can be drawn from the case where another real estate development company by the names of PICFARE Industries Limited was given a lease on Block 269 land at wakiso registered vide Cadastral "Cartridge" Map Sheets 71/1/21 and 22 and 71/3/1 and 3 at the department of Mapping and Surveys, Entebbe, which reveal the following details: Place: Bunamwaya, Lweza., Lubowa, Naziba, Nakukuba and Mutungo. Final Certificate: 18570 Provisional Certificate: 6726,Final Certificate Area: 4 Square Miles, Owner: Yusufu Ssuna Omulangila.

Date: 6th June 1906. Information about the Picfare title and the condominium titles that have been developed out of this fictitious forged title by the Kabaka of Buganda ,Ronal Muwenda Mutebi can be drawn and obtained from the Ministry of Lands, Department of Land Registration and Administration. The evidence to show that the land in question is owned by Yusuf Kiwewa Suuna (Omulangila) can be obtained from the presents below. Indeed its very sad that an institution that would be devising methods of avoiding land grabbing is the primer of the country's most brazen land grabbing heists driven by individuals greed ,arrogance and pride. The land details on which Picfare has a title are here below.

OFFICE OF THE
SENIOR PRESIDENTIAL ADVISOR/COORDINATOR
INTERNAL AND EXTERNAL SECURITY ORGANISATIONS

THE REPUBLIC OF UGANDA

President's Office
P. O. Box 36764,
Tel: 0414 - 237378
Fax: 0414 - 344483
E-mail: intelligencecootdcentre@yahoo.co.
Kampala, UGANDA

(1)

Our Ref:

Your Ref:

08/11/2011.

(1) THE COMMISSIONER LANDS AND SURVEY.
ENTEBBE, UGANDA.

See Photographer
Process urgently
21/11/11

Dear Sir/Madam.

RE: ESTATE OF YUSUFU SSUUNA KIWEEWA AND KASALINA NKINZI.

Reference is made to the above Estate.

We are kindly requesting for all the detailed information concerning the said Estate for further ness of our investigations.

Your response will be highly appreciated.

Yours' faithfully

Samuel Wasswa-*psc (u)*
Brigadier
Office of the Coordinator ISO & ESO

OFFICE OF THE COORDINATOR * ISO & ESO *

LANDS & SURVEY MAPPING DEPARTMENT
RECEIVED
17 NOV 2011

(2) Subsequently report provided about the ownership

(2)

E-mail: mlhud@mlhud.go.ug
Fax: 230891
Telephone: General: 342931/3
Hon.Minister: Direct:253871
Hon.Minister of State (Lands): 231020
Hon. Minister of State (Housing): 349265
Hon. Minister of State (Urban Development):
Permanent Secretary: 230879
Under Secretary: 236359

THE REPUBLIC OF UGANDA

MINISTRY OF LANDS
HOUSING AND URBAN
DEVELOPMENT
P.O. BOX 7096
KAMPALA - UGANDA

In any correspondence on
this subject please quote
No LAD 13/14/01

25th November 2011

The Office of the Coordinator ISO and ESO
President's Office
P.O. Box 36764
KAMPALA

RE: REPORT ON KYADONDO BLOCKS 265 AND 269

A thorough search has been made on both Cadastral "Cartridge" Map Sheets and Microfilm as per available records on Kyadondo Block 265 and 269 at Bunamwaya, Lweza, Lubowa, Naziba, Nakukuba and Mutungo, and the findings are that at the time of taking these records, records are as follows:

I. Cadastral "Cartridge" Map Sheets 71/1/21 and 22 and 71/3/1 and 3

Kyadondo Block	265 and 269
Place	Bunamwaya, Lweza, Lubowa, Naziba, Nakukuba and Mutungo-Kyadondo-Wakiso
F.C.	18570
P.C.	6726
F.C.A.	4 Sq. Miles
Owner	Yusuf Suna Kiwewa Omulangira
Date	6th June 1906

ii. Kyadondo Block 265 Marked PIN 6

Place	Bunamwaya Kyadondo Wakiso Mengo
F.C.	18570
P.C.	6726
F.C.A.	2 Sq. Miles 592.27 Acres
Owner	Yusuf Suna Kiwewa Omulangira
Date	6th June 1906

iii. Kyadondo Block 265 Marked PIN 6B

Place	Nfufu-Bunamwaya-Kyadondo-Wakiso-Mengo
F.C.	17007
P.C.	6726
F.C.A.	10.70 Acres
Owner	Leased to Gardhas Bargha
Date	

(5)

F.C.
P.C.
Grant No. G.9551
Granted Area 14.8 Acres
Grantee W.F.M. Rubaga
Map dated 1911

Microfilm Record:
Kyadondo Block 269
Place Lubowa Estate-Kyadondo-Wakiso-Mengo
F.C.
P.C.
Grant No. G. 9854 and G.8843
MRV 82
Fol. 1
Instrument 139274
Granted Area 1,834.143 Acres
Grantee Capt. Hill and Ormsby
Registered in: The Uganda Company Limited 13, Road Lane, London E.C. 3 England and P.O. Box 1 Kampala
Dated 25th January 1953

Under Instrument No.147734 less the six plots Marked 4,652 Acres delinated and edged red on the said plan Marked "B" hereto annexed transferred to the Uganda Company "African" Ltd and Registered in Volume 88 Fol. 24 of Freehold on 10th August 1960. It is not indicated how the 4,652 Acres were registered in freehold register volume.

The Cadastral "Cartridge" Map Sheets do not reflect who gave the grants, but since the original Customary Registered Proprietor was Yusufu Suna Kiwewa Omulangira, he is the likely Proprietor to have been the Grantor or his Successor or Successors.

According to the above mentioned records, the two portions of land were granted to Capt. Hill under Grant No. 9854, and Ormsby under Grant No. G.8843.

The records available do not reflect whether the Uganda Company Limited, was the same as Capt. Hill and Ormsby, to had registered these two pieces of land in their names, as grants were not to be sold, leased or mortgaged or otherwise, other than the conditions agreed upon by both the Grantor and the Grantee per every piece of land granted.

As most of these grants were granted before 1911, as per Map Sheet records, and the Maximum period was 99 years, this indicated that these grants expired, and if the grants were not renewed, or granted to someone else, then the land reverted to the original Customary Registered Proprietor or his Successor or Successors.

Cadastral "Cartridge" Map Sheet 70/1/8
Singo Block

(4)

Kyadondo Block 269 Marked PIN 7
Place Kigobawonga-Kyadondo-Wakiso-Mengo
Grant No. G 21584
Grant Area 7.0 Acres
Granted to N.A.C.
Date -

Kyadondo Block 269 Marked PIN 8
Place Naziba-Kyadondo-Wakiso-Mengo
Grant No. G 9551
Grant Area 14.8 Acres
Granted to W.F.M. Rubaga
Date -

Kyadondo Block 269 Marked PIN 9
Place Kikubankwata-Kyadondo-Wakiso-Mengo
Grant No. G 21584
Grant Area 10.0 Acres
Granted to N.A.C.
Date -

Microfilm Record:
Kyadondo Block 269
Place Lweza-Kyadondo-Wakiso-Mengo
Grant No. G 8843
F.R. Vol 33
Fol 12
Instrument No. 16149
Grant Area 12.0 Acres
Granted to John James Wills Lord Bishop of Uganda of Bishop's House, Kampala Uganda, 2 Folio 16 of the Freehold Register
Date 20th October 1931

Ownership continues:
Under Instrument 25230 dated 14th February 1934, Proprietor The Church Missionary Trust Association Limited of the Church Missionary House, Salisbury Square London E.C.A. England.
"The Church Missionary Trust Association" was cancelled.
Proprietor:- Under Instrument 69908 dated 17th May 1946 K.M. Trowell M.B.F. wife of Hubert Carey Trowell M.D.F.P.C. of Uganda Medical Department. This was also cancelled.

Proprietor:- Under Instrument 139116 dated 12th December 1957, Alfred Henry Campbell and Florence Evelyn Campbell, both of P.O. Box 16 Kampala.

(5)

F.C.
P.C.
Grant No. G.9551
Granted Area 14.8 Acres
Grantee W.F.M. Rubaga
Map dated 1911

Microfilm Record:
Kyadondo Block 269
Place Lubowa Estate-Kyadondo-Wakiso-Mengo
F.C.
P.C.
Grant No. G. 9854 and G.8843
MRV 82
Fol. 1
Instrument 139274
Granted Area 1,834.143 Acres
Grantee Capt. Hill and Ormsby
Registered in: The Uganda Company Limited 13, Road Lane, London E.C. 3 England and P.O. Box 1 Kampala
Dated 25th January 1953

Under Instrument No.147734 less the six plots Marked 4,652 Acres delinated and edged red on the said plan Marked "B" hereto annexed transferred to the Uganda Company "African" Ltd and Registered in Volume 88 Fol. 24 of Freehold on 10th August 1960. It is not indicated how the 4,652 Acres were registered in freehold register volume.

The Cadastral "Cartridge" Map Sheets do not reflect who gave the grants, but since the original Customary Registered Proprietor was Yusufu Suna Kiwewa Omulangira, he is the likely Proprietor to have been the Grantor or his Successor or Successors.

According to the above mentioned records, the two portions of land were granted to Capt. Hill under Grant No. 9854, and Ormsby under Grant No. G.8843.

The records available do not reflect whether the Uganda Company Limited, was the same as Capt. Hill and Ormsby, to had registered these two pieces of land in their names, as grants were not to be sold, leased or mortgaged or otherwise, other than the conditions agreed upon by both the Grantor and the Grantee per every piece of land granted.

As most of these grants were granted before 1911, as per Map Sheet records, and the Maximum period was 99 years, this indicated that these grants expired, and if the grants were not renewed, or granted to someone else, then the land reverted to the original Customary Registered Proprietor or his Successor or Successors.

Cadastral "Cartridge" Map Sheet 70/1/8
Singo Block

Kyadondo Block 269 Grant Nos. G 9854 and G 8843
Place Lubowa Estate
Grant Nos. G 9854 and G 8843
M.R. Vol. 82
Fol 1
Instrument No. 139274
Area 1,834.143 Acres
Registered in:- The Uganda Company Limited 13, Road Lane, London E.C.3 England and P.O. Box 1 Kampala
Date 25th January 1958

Under Instrument No. 147734, Less the six plots marked 4.652 Acres delineated and edged red on the said plan marked "B" hereto annexed transferred to the Uganda Company "Africa" Ltd, and Registered in Volume 88 Fol. 24 of Freehold on 10th August 1960. It is not indicated how the 4.652 Acres were registered in Freehold Register Volume.

After the transfer to Uganda Company "Africa" Ltd in 1960 no other transaction took place.

It is not indicated on the Cadastral "Cartridge" Map Sheets, who gave the grants, but since the Registered Proprietor was Yusufu Suna Kiwewa Omulangira, is likely to have been the one or his Successor or Successors who gave these grants.

Please find herewith attached copies of the available records.

The above was the ownership from nineteen zero six to nineteen sixty. After microfilming and archiving, transactions continued to be registered on this land. I cannot guarantee that the ownership is still the same.

Therefore, I advise you to search the Titles Register for the correct ownership and the history of any other transaction that could have taken place.

M.N. Kajumbula
For: PERMANENT SECRETARY

The information above was provided by the Ministry of Lands Registration and Administration and its on record for them for reference. This information relates to block 269 at Wakiso and gives the original mailo ownership of the land with the details of the leases.

In 1903 Ssuna leased 843.6 acres at Nakukuba and Mutungo and 708.8 acres at Lweza, Lubowa and Naziba to Captain Hill and Mr Ormsby respectively under Grant numbers G.8843 and G. 9854.The procedure in which Europeans could take interest in mailo land was provided for under the Crown Lands Ordinance 190 which covered both Crown land and mailo land leased to Europeans. The following sections are pertinent: 10. No lease of Crown land (read mailo land as well) shall exceed ninety nine years.|14. Except where expressly varied or excepted there shall be implied in every lease under this Ordinance covenants by the lessee (a) not to assign, except by will, the land leased or any part of it without the previous consent of the Commissioner (Governor.)

Under the Registration of Titles Ordinance, 1908, it was provided that "in cases in which the land shall have been surveyed and demarcated by the Government surveyor the land officer would prepare a duplicate in the prescribed forms of (a) all Crown Grants of land both in fee and a for term of years and (b) of all Final Mailo Certificates issued by Government to native owners."

Accordingly, there should be two types of titles to this land namely one representing the Grants to Capt. Hill and Mr Ormsby and another title to mailo land in the names of Yusufu Ssuna. Indeed SSuna's mailo interest was registered in Mailo Register 273 Folio 2 but for reasons only known in the land office the description of the land was changed to Mailo Register Volume 82 Folio 1.

The interests in the Grants expired in 2002 on lapse of the ninety nine year terms. Unfortunately, the land office converted Ssuna's mailo interest represented in Mailo Register Volume 82 Folio 1 into freehold contrary to the provisions of the law and issued a freehold title deed to Uganda Company (Holdings) Ltd in Freehold Register Volume 82 Folio 1 meaning that Ssuna's mailo reference was used for a freehold title.

Article 237(b) of the Constitution provides that only customary land tenure or any lease which was granted to a Uganda citizen to be converted into freehold.

This is the same land on which the strategic management of the Buganda Land Board under the leadership of Kyewalabye David Male for the Subsidiary and Charles Peter Mayiga have chosen to connive with the people of the Ministry of Lands Registration and Administration and they ended up making mutates in leases that we see at the present day Mirembe Villas Kigo. The only people who can explain how they were

able to get titles over land that has a subsisting mailo title without the consent of the registered land lord will be Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga. The property I am talking about that was built illegally on other people's land is put here below for your viewing.

Accompanied by Xu Mingzheng, Managing Manager of Henan Guoji Group and Zhangchao, Managing Manager of the Mirembe Villas, with the Kingdom CEO,Mayega on stolen land

nbs
BREAKFAST MEETING
WINDY SHEN - MANAGING DIRECTOR, MIREMBE VILLAS
MIREMBE VILLAS: YOU ARE WELCOME HOME
ENJOY A CONDUCIVE ENVIRONMENT AND FLEXIBLE PAYMENT TERMS
#NBSMorningBreeze
I ALEPPO, ACCORDING TO UNICEF.... IRAQI SHI'ITE FORCES FIGHTING ISLAMI

Buganda Land Board counterparts with whom they used a private military company to occupy the land and subsequently mutated leases over them under the brand Kyapa Mungalo with the project name being Mirembe Villas.

Chinese Land Grabbers bred by the illegal Buganda Land Board

Guoji Group Chair visits Katikkiro, commits to Mirembe Villas .Katikkiro Mayiga and BICUL CEO Roland Ssebuwufu meet the delegation from Guoji Group at Bulange

Mengo has launched a multibillion Shillings real estate project in Wakiso District where each unit lease is 99 years, Block 269 thieves at Mutungo, Kigo(titles forged over land)

Chinese man worried that even may be halted by genuine landlords and not the Buganda Land Board Land grabbers.

Person of the Kabaka, The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom who will be remembered in Uganda's history as having conducted the country's most brazen land grabbing acts that so them almost make the private mailo land extinct.

Both professional real estate sellers, as evidenced by the Reed case, and non-professional land sellers, as demonstrated by the Weintraub decision, were held liable for fraud when they failed to disclose information about on-site conditions. The duty to disclose on-site land conditions extends to agents as well as to the seller whom the agent represents.(8 See, e.g., Lingsch v. Savage, 29 Cal. Rptr. 201, 209 (Cal. Dist. Ct. App. 1963). In Lingsch v. Savage, the California First District Court of Appeals determined that the real estate agent or broker representing the seller is a party to the business transaction, and therefore, potentially liable for fraud. In that case, buyers who purchased a dilapidated house were unaware that the state had condemned the property. The real estate broker who sold them the land deliberately had

not informed the purchasers about the condemnation. The Lingsch court decided that when a seller's agent knows facts materially affecting the value or desirability of the property, and the agent also knows that such facts are not known to, or within the reach of diligent attention and observation of a buyer, the agent has a duty to inform a buyer. The court noted that even though the landowner whom the broker represented had not informed the broker about the condemnation, the broker did acquire the information independently of the seller. Regardless of how a broker acquires material information, he or she is obligated to disclose that information. The broker could not remain silent on an issue just because the seller had failed to tell him about it. The broker and the seller are jointly and severally liable because they both share an interest in the transaction.

In the case before us, the Buganda Land Board people actually know that all along they have been making mutates over private mailo land for people of Buganda but they have gone ahead and do so with conniavance with the officials of the Ministry of Lands to perpetuate the fraud.

Although there is a relatively clear common-law trend requiring disclosure of material on-site land conditions by professional and nonprofessional vendors, courts did not impose a duty to disclose material off-site conditions until (Strawn v. Canuso 7 See Strawn v. Canuso, 657 A.2d 420,

428 (N.J. 1995).. The New Jersey Supreme Court held in Strawn that a professional seller who failed to disclose off-site land conditions that materially affected the value of land was liable for fraud. In Strawn, a family purchased a plot of property, not knowing that a toxic waste dump one half-mile away from the property was leaking chemicals into the water table. The broker who sold the property clearly knew about the proximity of the noxious dump, but had refused to inform the family because notice of the landfill would reduce land value. The court ruled that there was no difference between withholding information about on-site problems or off-site problems, because both materially could affect the value and desirability of the purchased property.

ADVICE TO THE PEOPLE CHEATED FOR KYAPA MUNGALO THAT WAS ILLEGALLY CURVED OUT OF MAILO LAND BY THE FRAUDULENT BUGANDA LAND BOARD

In order to make out a claim for fraud, plaintiffs must prove "a misrepresentation or a material omission of fact which was false and known to be false by defendant, made for the purpose of inducing the other party to rely upon it, justifiable reliance of the other party on the misrepresentation or material omission, and injury." (Lama Holding Co. v Smith Barney, 88 NY2d 413, 421 [1996].) The Appellate Division has already held in this case that

plaintiffs would not be justified in relying on any alleged misrepresentation by the NRT defendants as to the amount of legal bedrooms "if the facts misrepresented were not matters peculiarly within [defendants'] knowledge and plaintiffs had the means to discover the truth by the exercise of ordinary intelligence." (Joseph, 43 AD3d at 313.) In 1537 Assoc. v Kaprielian Enters. (259 AD2d 447 [1st Dept 1999]), the Appellate Division dismissed defendants' counterclaim for fraud. The Court held that defendants could not have reasonably relied on plaintiff's misrepresentation regarding the size of the premises to be rented because the dimensions of the premises were not within the plaintiff's peculiar knowledge as defendants could have measured the dimensions themselves. In (Bennett v Citicorp Mtge., Inc. (8 AD3d 1050 [4th Dept 2004]), the Court granted summary judgment dismissing plaintiffs' claims of fraud and negligent misrepresentation. The Court held that plaintiffs' reliance on the representation of the listing agent as to the number of acres that were included in the sale of the property at issue was not reasonable since the seller's "ownership of only five acres was a matter of public record, readily ascertainable from the abstract of title provided to plaintiffs' attorney for her review prior to the closing" (at 1050). Similarly, in DiFilippo v Hidden Ponds Assoc. (146 AD2d 737 [2d Dept 1989]), the plaintiff claimed that the

defendant sellers had fraudulently induced him into purchasing a townhouse by telling him that he would be able to rent out the unit when in fact the zoning regulations prohibited this. The Court granted summary judgment dismissing the complaint on the ground that "the plaintiff's failure to ascertain for himself the restrictions of the{18 Misc 3d at 300} Zoning Ordinance precludes his claim of fraudulent inducement" because the zoning ordinance "[was] not a matter peculiarly within the defendants' knowledge and the plaintiff could have easily made inquiry as to whether it would permit him to rent the townhouse to a third party."

As indicated in both the statement of Legislative Findings, and in the Senate Memorandum in Support (2001 McKinney's Session Laws of NY, at 1615-1617), the purpose of the law is to regularize disclosure and supplement information provided by professional inspections and tests, and searches of public records. The questions in the Statement are to be fully answered, and it is to be delivered before the contract of sale is signed. However, beyond reciting what is stated in the "Remedy" section of the new law itself, there is no discussion in the Memorandum regarding the nature of any new cause of action created by the statute.

For that reason, this Court must strictly construe any new rights given to the buyer and obligations imposed on the seller

with regard to disclosure of defects **(see, McKinney's Cons. Laws of NY, Book 1, Statutes § 301; Rust v. Reyer, 91 N.Y.2d 355, 360, 670 N.Y.S.2d 822, 693 N.E.2d 1074).** In that regard, it should be noted that the Memorandum states only that existing common law is to be changed "by statutorily requiring the seller to give answers to the buyer to questions asked in a property condition disclosure statement or pay a credit to the buyer on transfer of title." That is all. There is no indication in the Memorandum that the law was intended to completely subvert or replace many decades of well-established common law.

Indeed, the Legislative Findings section specifically states that the act "is not intended to and does not diminish the responsibility of buyers to carefully examine the property which they intend to purchase," and that the "act is not intended to and does not limit the existing responsibilities by a seller, buyer or agent concerning the condition of the property or potential liabilities or remedies at law, statute or in equity." Accordingly, any analysis of the remedies available to the buyer must take into account the traditional responsibilities of that buyer, as well as the seller, as both remain.

Indeed in the case before us were the Buganda Land Board has made mutates for Kyapa Mungalo illegally over private mailo land without the consent of the owners and without disclosing the same to the purchaser, there was intention for

the Buganda Land Board to take advantage of the information at hand to fleece the parties in the business. This coupled with the social and political clout together with the Public relations tactics of Charles Peter Mayiga, any party resisting would either be blown out in the public like was done for Sheik Nohu Muzaata and the Motor Mouthed Tamale Mirundi. In other cases they would connive with the police in the areas where the land is and claim malicious damage to property which will then frighten the land lords.

Although the law arguably is not a model of clarity, and its remedy provision may even be seen as discouraging the use of the form that is its raison d'etre, such provision must be given effect by the courts. It is well-settled that in construing a statute all constituent elements must be harmonized with the general intent of the whole; effect and meaning must be given to every part **(McKinney's Cons. Laws of NY, Book 1, Statutes, § 98)**, as the Legislature will be presumed to have inserted every provision for some useful purpose **(Matter of Albano v. Kirby, 36 N.Y.2d 526, 530, 369 N.Y.S.2d 655, 330 N.E.2d 615).** All of this must be done in the service of providing for reasonable and sensible construction of statutory language that carries out the intention of the enacting **body (McKinney's Cons. Laws of NY, Book 1, Statutes, § 98; People ex rel. Steckler v. Warden of City Prison, 259 N.Y. 430, 182 N.E. 73).**

The requirements of common law fraud are 1) a misrepresentation or an omission of material fact which was false and known to be false by the defendant, 2) the misrepresentation was made for the purpose of inducing the plaintiff to rely upon it, 3) justifiable reliance of the plaintiff on the misrepresentation or material omission, and 4) injury **(New York Univ. v. Continental Ins. Co., 87 N.Y.2d 308, 318, 639 N.Y.S.2d 283, 662 N.E.2d 763; Channel Master Corp. v. Aluminum Ltd. Sales, 4 N.Y.2d 403, 176 N.Y.S.2d 259, 151 N.E.2d 833).** Further, where the claim involves fraudulent concealment, an additional element is required, specifically, that the defendant had an affirmative duty to disclose the fact concealed **(E.B. v. Liberation Publs., 7 A.D.3d 566, 567, 777 N.Y.S.2d 133; P.T. Bank Cent. Asia, N.Y. Branch v. ABN AMRO Bank N.V., 301 A.D.2d 373, 376, 754 N.Y.S.2d 245).** In the arena of real property sales, this duty can arise where the seller took steps to actively conceal a condition he ordinarily would not have had to reveal **(Jablonski v. Rapalje, 14 A.D.3d 484, 788 N.Y.S.2d 158, supra; Bethka v. Jensen, 250 A.D.2d 887, 672 N.Y.S.2d 494, supra).**

In the case before us the connivance of the Buganda Land Board people with those of the Ministry of Lands, Department of Land Registration and Administration to make new titles in form of leases without the consent of the land lords referred to in the effect 68 of the

Registration of titles act explains the scintilla of the fraud.

As noted above, it is well-established that as part of any common-law fraud the plaintiff must be able to prove that she reasonably relied on the seller's omission (New York Univ. v. Continental Ins. Co., supra), and active, intentional concealment, triggering a duty to disclose the condition complained of (Jablonski v. Rapalje, supra). Upon a review of the defendant's papers, the Court finds that he has demonstrated the absence of these essential elements, and the plaintiff has been unable to introduce evidence in admissible form creating issues of fact meriting a trial with regard thereto (see, e.g., Zuckerman v. City of New York, 49 N.Y.2d 557, 562, 427 N.Y.S.2d 595, 404 N.E.2d 718).

The author herein has submitted only the affirmation of the Buganda Land Board, points to deposition transcripts and documents, which they claim indicate that the Buganda Land Board took the following affirmative steps to conceal the fraudulent leases issued under the Kyapa Mungalo product on private mailo land without the consent of the registered land lords and there beneficiaries when they connived with the Ministry of lands officials to establish new plots and block numbers for lands that had already been titled under different tenures. A case for this brazen fraud is the land mutations made by the Buganda Land Board on Block 371

wakiso originally registered in the names of H.H Daudi Chwa.:; omitted questions on the property condition disclosure report pertaining to ownership of the land as required by effect 68 of the registration of titles act,cap 230 by ensuring that the title history from the time land was first mutated is systematically avoided; and failed to respond to lessee's face-to-face inquiries about the registration of the encumbrances on the freehold and mailo titles for the leases by misrepresenting as can be seen on the website that **Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients.(Source; http://www.bugandalandboard.or.ug)** All these are sufficient to merit acceptance of the motion that ***Person of the Kabaka, The private company known as Buganda Land Board Limited and a clique of fraudulent strategic managers at the Buganda Kingdom. Actually had intentions of defrauding the unsuspecting public who fall victim to their frauds that involved mutates over the private lands that are actually not owned by the Kabaka or the Buganda Land Board.***

The above will be subject to other attestations that have appeared in the dailies. This has been put here below for you to share.

THE NEW VISION

Reasons for the landless Buganda Land Board

By Admin

Added 4th May 2018 05:14 PM

The chunks of land given away were neither surveyed nor did they have any known tenancy category in the Kiganda culture.

LAND

By Sam Mayanja

Once upon a time, there was a public body which went by the name, the Buganda Land Board. This body was set up under Chapter X11 of the 1962 Constitution to manage public land in Buganda. This public body had its roots in the 1900 Agreement (Uganda/Buganda Agreement) under which various chunks of land of varying sizes were grabbed from natives and given away to various individuals, chieftains and religious groups. The chunks of land given away were neither surveyed nor did they have any known tenancy category in the *Kiganda* culture. The colonial authorities eventually regularized this land grabbing and in 1908 enacted a legislation known as The Land Law of June 15, 1908. This law created two tenancies. Under Section 2 thereof, a tenancy known as *Mailo* was created. The section specifically stated to hold land in a manner described in that section "*will be known as holding Mailo, and land of this description will be called Mailo*". Section 5 created a second tenancy which was described as that land which a chieftainship shall hold for the time he shall hold the chieftainship. It stipulated that he shall be entitled to take all the profits from that land, but when he leaves that chieftainship, the successor chief will take over the land. In the words of Section 5(c) "*to hold land in this manner, will be called to hold official mailo.*" The actual demarcation of both the *mailo* and the

official *mailo* tenancies was not done until five years later when the Buganda Agreement (Allotment and Survey) Law of 1913 was enacted.

Since the *mailo* was under the control of individuals, or bodies to which it was allocated, it was necessary to put in place a statutory public body to manage the official *mailo* and herein lay the origin of the Buganda Land Board. The chieftainships holding official *mailo* were diverse, covering *saza* chiefs, *gombolola* chiefs, land held under chieftainships of the *Katikiro*, *Omulamuzi*, *Omuwanika* and others described in the 1900 Agreement and elsewhere in the subsequent laws as official *mailo*. Indeed even the chunk of land allocated to the Kabaka under the 1900 Agreement was converted to official *mailo* under Section 2(b) of the June 15, 1908 Land Law. The Buganda Land Board under whose authority the administration of the official*mailo* was placed was a statutory body of the Uganda Protectorate. It should be noted that at the conclusion of 1900 Agreement, the Uganda Protectorate consisted of only one province and that was the Buganda Kingdom. The 1900 Agreement in Article 3 envisaged "other Provinces" which were in future to be added to the Province of Buganda Kingdom and indeed when the final demarcations of the Uganda Protectorate were made, three other provinces namely; the Western Province, the Eastern and the Northern

provinces had all been created and the four formed the Uganda Protectorate which eventually emerged into the current independent Republic of Uganda.

When the Uganda Protectorate gained Independence, the Constitution of the newly independent State of Uganda, so fit to dedicate the whole chapter on the administration of Public Land. This was Chapter XII and under Article 118, Public Land in Uganda was to be administered by three sets of bodies. The areas of Uganda which were administered under *federo* units, public land was under Land Boards, while those under districts; public land was administered by District Land Boards. The rest of Uganda, Land was administered by the Uganda Land Commission. The Buganda Land Board was under Article 118(3) recognised as the body administering public land in the Buganda Kingdom. It should be clarified that the public land in Buganda under the Buganda Land Board went under the nomenclature of official *mailo*. All the Statutory bodies administering public land in Uganda namely; Uganda Land Commission, Federal Land Boards and District Land Boards, were Constitutionally subject to the scrutiny of the Auditor General and, therefore, accountable to the public.

The wind of change which blew across the political terrain of the country swept away the 1962 Constitution and a new Constitution known as the 1967 Republic Constitution

was promulgated. Like the 1962 Constitution, the 1967 one, also dedicated a whole Chapter on the administration of public land. This was Chapter XII and Article 108 under that chapter specifically set out the Land Commission of Uganda as the body to administer all the public land in Uganda. For clarity, Article 108 (5) specified the various land entities vested in the Land Commission. These included every official estate held by a corporation sole by virtue of the provisions of the official estate Act and any land which immediately before the commencement of the 1967 Republican Constitution was vested in the land board of a kingdom or a district. Thus, the public land which had under the 1962 Constitution been administered by the various Land Boards of federal units or districts were transferred to one single public body namely; The Land Commission of Uganda.

Thus, the official *mailo* under the Buganda Land Board was never confiscated; it was simply under the constitutional order of the day transferred to a public body under which the administration of all public land in Uganda was consolidated.

The duplicity of giving different names to public land depending on its location in Uganda, for example, Buganda

Kingdom where it had been called official *mailo* was streamlined with all other public land in the country under one body namely; The Uganda Land Commission.

It was public land being managed by Buganda Land Board whose administration was transferred to the Uganda Land Commission. The 1967 Constitution like the one of 1962 created the position of an Auditor General for Uganda to which all public offices and institutions had to submit for scrutiny and were, therefore, subject to public accountability.

For avoidance of doubt, the 1967 Constitution, created Article 126 for the continuance in force of the system of *mailo* to emphasize the difference from the public land which had been called official and which by the constitution had been streamlined by being moved from the Buganda Land Board to the Uganda Land Commission.

The current Buganda Land Board is not a successor in title to the Buganda Land Board of the 1962 Constitution. It is not a statutory body and has no mandate to administer any public land by whatever name called. Its legal status going by its instrument of registration is that of a private limited liability company with one (1) shareholder. It has no accountability to the public and no queries can be raised by a public body on how the company is run. It cannot

legally claim ownership of public property by virtue of the Traditional Rulers (Restitution of Assets and Properties) Act 1993.

That Act having been enacted before the coming into force of the 1995 Constitution, must be construed with such modifications, adaptations, qualifications and exceptions which may be necessary to bring it into conformity with the constitution.

The 1995 Constitution cannot be construed to resituate public assets to institutions by whatever name called which never owned them in the first place, from whom they have never been confiscated and by whom no official public accountability is exacted by the Constitution. Public assets can only be managed by individuals or body of individuals or corporations which can be scrutinised by the Auditor General and, therefore, accountable to the Public.

The Constitution has vested the administration of public land in the Uganda Land Commission, District Land Boards, or Regional Land Boards and all these public bodies are scrutinisable by the Auditor General and, therefore, accountable to the public. Under the 1967 Constitution, when all public land had been put under the Land Commission, any monies accruing from the Land so vested under the commission had to be paid to such authority as

Parliament may prescribe. This mandate now falls to the three bodies indicated above which are constitutionally recognized to administer public land in Uganda. Buganda Land Board being a private limited company has no obligation to account for any monies or benefit derived from the Land under its administration.

It is in this scheme of things that it is imperative for Buganda Land Board Limited to return the land it is illegally holding and profiteering from unjustly. Public Assets cannot be in the hands of a private limited company.

The handlers of the Buganda Kingdom must be humble and realize the Constitutional mistake of holding onto Land Titles and assuming proprietorship where no law obtains conferring ownership of public land to a cultural institution. This is the decent way to do it and this action shall go a long way in restoring respectability of the cultural leadership.

The ball is squarely in the hands of the sole shareholder of the Buganda Land Board Company Limited who has the unique historical opportunity to redeem the tremendous goodwill which surrounded the return of traditional/cultural rulers to the Uganda political scene, but which, if left with no action taken, shall surely disappear into oblivion.

The writer is a Senior Partner with Kampala Associated Advocates

The Daily Monitor

Truth, lies about Mengo land lease

SATURDAY MAY 27 2017

Discussion. Buganda prime minister Charles Peter Mayiga (2nd right) interacts with MPs at Bulange-Mengo in Kampala after a meeting in April. PHOTO BY JAMES KABENGWA

By Eriasa Mukiibi Sserunjogi & Stephen Kafeero

Kampala. Buganda Land Board, the body charged with managing the kingdom's land, says on its website that the six-months "promotional" campaign meant to issue leases to

tenants on the land it manages – dubbed Kyapa Mungalo – is "optional". The five-point note on the website adds that "only those interested in elevating themselves from being kibanja holders to title holders and add value to their land are invited to respond" to the call, and that those who are unwilling or unable to embrace the call will remain kibanja holders subject to paying the statutory rental fees (busuulu) as determined by the central government.

During the promotional period, the note continues, premium costs of getting a 49-year lease will be cut by 70 per cent, and the lease agreement, a copy of which Saturday Monitor has seen, provides for automatic renewal of the lease after the expiry of 49 years if one is still interested.

In case someone is unable to renew the lease or is no longer interested, the notes state, one is free to revert to his or her former status as a kibanja holder subject to regularly paying the kibanja rental fees.

But the initiative, launched by Katikkiro (prime minster) Charles Peter Mayiga last month, has attracted significant criticisms from different circles, including from ministers in the central government.

"It is only President Museveni who can call this young man (Mayiga) to order. I do not believe that the people of Buganda have failed to pay ground rent (busuulu) which is the known constitutional procedure for all tenants on

Buganda Kingdom land," Minister Without Portfolio Abdul Nadduli was quoted by Saturday Monitor to have said at a function in Luweero on May 6. "It seems leaders in Mengo led by the Katikkiro are trying to push government to do something which will make it unpopular. People in Buganda could easily mistake President Museveni to be part of the 49-year lease project fronted by Mengo. A few people in Mengo could easily work against the Kabaka by making him unpopular through the land lease project," Mr Nadduli warned.

Mr Nadduli's criticism, particularly his reference to the likelihood of the kingdom losing popularity, has been fronted by many.

Ms Idah Nantaba, the state minister for Information Communication Technology, who presented herself as an advocate for tenants' rights in the fight against evictions during her time as junior Lands minister, has also criticised the initiative, arguing that many sitting tenants cannot afford the lease fees. But the most acerbic critics of the Kyapa Mungalo initiative are former presidential spokesperson Joseph Tamale Mirundi and the outspoken Muslim cleric Sheikh Nuuhu Muzaata-Batte.
A long-time critic of Mengo officials, Mr Mirundi, on radio and television shows, accused Mengo officials of corruption regarding land matters and urged tenants not to embrace

the initiative. Sheikh Muzaata also on a number of occasions, before and after the launch of Kyapa Mungalo, attacked Mr Mayiga and has predicted doom for the initiative.

Shortly after Mr Mayiga was appointed Katikkiro in 2013, Sheikh Muzaata went on the offensive, accusing him of bringing down a historical mosque in Lubiri, Mengo. And the frosty relations between the two have never thawed.
In response to the criticism, Buganda Land Board released what it called details of lease applications to the same body by both Mr Mirundi and Sheikh Muzaata. Confronted with this claim during a morning show on NBS Television, Mr Mirundi pushed and threatened to beat up the host, Mr Simon Muyanga Lutaaya. Mr Mirundi and Sheikh Muzaata declined to speak to Saturday Monitor for this story, citing different reasons. Whereas Mr Mirundi accused this newspaper of fighting him on behalf of people he called his enemies, Sheikh Muzaata said we had called him "at the wrong time".

More questions

Kampala Affairs minister Beti Kamya told a press conference that the Kabaka's official estate vested in the institution of the Kabaka in the 1900 agreement has since been parceled out to the descendants of former Kabaka

Daudi Chwa, the grandfather of Kabaka Mutebi, and that the reigning king should not through Buganda Land Board continue to control the entire 350 square miles. "It implies that the land belonging to Kabaka Mutebi is not the 350 square miles. It is far smaller than the 350 square miles," Mr Kamya said.

Buganda Land Board says on its website that it manages the 350 square miles – the Kabaka's official Kabaka's mailo - that was returned to Buganda in 1993, and another 300 square miles President Museveni returned to the kingdom in 2013.

In reference to this, Ms Kamya listed three sets of land including land entrusted to the counties, to the Queen Mother, and the sub-counties whose control, she said, Mengo must open up to discussion. "Which land is the Katikkiro and Mengo asking the people of Buganda to get titled leases on. If it is the Kabaka's land, it is his prerogative to treat his land as he wants but if it is these other categories , it is not Mengo's, the Katikkiro's or even the Kabaka's prerogative to dish out this land as they want," she said.

She suggested that there must be discussions in the Buganda Lukiiko (Assembly) on the solution. But if what she terms as an impasse persists then she suggests a

referendum on Buganda's land. The other option, Ms Kamya suggests, is giving freehold titles to the people of Buganda, something the kingdom is opposed to on grounds that the people who get the titles may sell off the land as has happened in the past and future generations of the kingdom will be landless. Mr Mayiga has also argued that Buganda Kingdom will exist "forever", meaning that at any point in time it must have land. He compares it to institutions such as the Catholic Church, which only offer leases on their land.

Ms Kamya, at the time of writing this story, said she stood by her views as expressed earlier, although she referred this newspaper to the Lands minister to follow up.

Mukono Municipality MP Betty Nambooze, while expressing support for the drive to grant leases to tenants as a way of securing their tenure and raising the value of the land, wrote on her Facebook account that the "unnecessary" criticism that the initiative has seen would have been avoided if Mr Mayiga had been democratic. Ms Nambooze, who rose to prominence as an opposition politician based on her support for Mengo and the Kabaka, is one of those who got disenchanted by Mr Mayiga's approach to his job as Katikkiro, particularly his de-politicisation of Mengo and

the thawing of relations between Mengo and President Museveni.

Earlier, in 2007, Ms Nambooze was abducted by State operatives, together with Mr Mayiga, who was then the Kingdom spokesperson, and his then deputy Medard Sseggona.

The abduction of the trio and their detention at different places in Western Uganda came at a time Mengo and the government were locked in a disagreement over proposed amendments to the land law. Whereas both Ms Nambooze and Mr Sseggona went into opposition politics, Mr Mayiga remained in the service of the Kabaka and shortly after his elevation to the office of Katikkiro in 2013 led a team to State House Entebbe to receive hundreds of land titles that the government returned to Buganda. President Museveni also attended the first Kabaka's coronation anniversary under Mr Mayiga's term, held in Lubiri Mengo, and the Katikkiro declared that he would cooperate with whoever recognised Kabaka Mutebi's status regardless of that person's political or religious affiliation.

Katikkiro Mayiga has ordinarily not responded to individual critics, usually picking occasions on which to dress matters raised. The last such occasion was the sitting of the Buganda Lukiiko on May 8, 2017.Before the Lukiiko sitting,

Mr Mayiga had elaborated in a press statement that the mass titling initiative Buganda Land Board had embarked on "represents the Buganda Kingdom legislative organ's (Lukiiko) resolution of 1994; to offer leases to all interested tenants on the Kingdom land."

Mr Mayiga, to make the point that there is nothing unusual about offering leases on the Kabaka's land, noted that the kingdom has been offering leases since the said Lukiiko resolution was passed 23 years ago, and that to-date up to 20,000 leases have been issued.
In addition, Mr Mayiga noted: "Even most of the land that was returned to the kingdom in the 2013 agreement between the Kabaka and the President of Uganda has leases inherited by BLB (Buganda Land Board) stretching up to 99 years. This therefore demonstrates that leases are not only issued by Buganda Kingdom but also other bodies like Uganda Land Commission, District Land Boards, KCCA, religious institutions and Private Mailo owners."

Lease process

To secure a lease, a kibanja holder fills an application form and pays Shs 950,000 in survey fees, which during the Kyapa Mungalo drive has been reduced to Shs650,000. The applicant also pays an additional Shs250,000 as registration and inspection fees. Buganda Land Board then sends an inspector to the location to authenticate the

purchase documents for the kibanja and then submits a copy of his report to the parish chief, on to sub county and then to county level. At county level, the applicants are vetted by a committee that sits every month. A Buganda Land Board branch manager in the county and officials from Buganda Kingdom's local government sit on the committee. The approved applicant's details are then forwarded to the Central Lease Committee of Buganda Land Board before the lease title is processed.

The value of the empty plot is then computed, Buganda Land Board officials say basing on the benchmarks set by the Chief Government Valuer, and once the value of the land is determined the applicant is then required to pay what is called a premium.

The premium is 10 per cent of the value of the land. If a plot is valued at Shs50m, for instance, the applicant will be required to pay Shs 5m (10 per cent of 50m) for the 49-year lease. Then every year, the applicant will be required to pay a ground rent equivalent to 1 per cent of the value of the land, or 10 per cent of the premium. For the one whose plot's estimated value is Shs50m, the annual payment will be Shs500,000 (1 per cent of 50m or 10 percent of 5m). On the expiry of 49 years of the lease, the one occupying the lease, according to the agreement, has automatic right to renew it by paying a new premium based on the freshly estimated value of the land.

editorial@ug.nationmedia.com

Before going to how banks have been fleeced by the Buganda Land Board, the author of this book will want to give a very practical example, that we will want the public to take note of.

Let's take an example of the title below. Its registered in the names of Yusufu Suuna Kiwewa Omulangila of Nakigalala Busiro Buganda Province. So the records in the mailo register will ideally show him in the Kalamazoo.

Article 26 of the Constitution on freedom from deprivation of property provides for prompt payment of fair and adequate compensation prior to the State's compulsory acquisition of any property. The Court ruled that the Land Acquisition Act (Cap 226) is unconstitutional in so far as it provided for the compulsory acquisition of property before the payment of compensation to the owner. The Supreme Court has confirmed the sanctity of property rights under the Constitution in the case of Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014.

Now without Suuna or his beneficiaries selling or gifting the said land to the Kabaka of Buganda or the Buganda Land Board, the Ministry in their wisdom together with the Buganda Land Board make leases for example over such land and they start selling to the unsuspecting public.

UGANDA

REGISTRATION OF TITLES ORDINANCE

Certificate of Title.

MAILO REGISTER, VOLUME 92 FOLIO 2522

DESCRIPTION OF LAND.

ALL THAT piece of MAILO land delineated and edged red on the plan hereto annexed containing the following area or thereabouts and situate as follows. —

Area.	County.	District.	Province.
669.50 acres	Busiro	Mengo	Buganda

and known as Nakigalala

comprised in Final Certificate No. 15196

STATEMENT No.....

OWNERSHIP

YUSUFU SUUNA KIWEEWA OMULANGIRA of Nakigalala, Busiro, Buganda province.

is are now the proprietors of an absolute MAILO estate in the MAILO land above described subject to the incumbrances hereinafter set out.

Dated this 27th day of November 1913

The fraud has been taken a notch higher that the Buganda Land Board has now developed another scheme where they entice banks and private individuals to have mortgages done collateralized by fraudulent titles curved out as Kyapa Mungalo over private mailo land. In my opinion ,Charles Peter Mayiga and Kyewalabye male being the thieves they are did think by bundling there product to involve many industrial players, it would form a cushion on which to legitimize the fraud. These interests have been furthered by another fraudster by the names of Kizito Bashir Juma who is now initiating programs to legitimize the fraud by partnering officially with the Governments Minister of Lands Registration and Administration to legitimize the fraud for Kyapa Mungalo curved out of private mailo land without the consent of the landlords in a bid to fully conceal the forgery engineered by the two successfully. Before exposing the fraud in the banks for Kyapa Mungalo please allow me to share this article with you obtained from the Buganda Land Board website.

Source
http://www.bugandalandboard.or.ug/index.php/news/165-government-to-work-with-blb-as-partners-in-land-mgt

GOVERNMENT TO WORK WITH BLB AS PARTNERS IN LAND MANAGEMENT

Hon. Betty Amongi chairing an advocacy meeting with Buganda Land Board Officials.

The Ministry of Lands, Housing and Urban Development together with Buganda Land Board have embarked on a joint effort to ensure security of tenure for the people on Kabaka's Land. This was arrived at during an advocacy meeting held on 8th/7/2016 at the Ministry of Lands Headquarters in Kampala.

The two entities agreed to formulate joint strategies aimed at sensitizing Kibanja occupants/tenants and landlords of each other's rights and responsibilities so as to curb down on the rampant evictions across the country. "We could develop joint messages to sensitize the landlords and the tenants or

bonafide occupants on their respective land rights so that each party can meet their obligations to avoid illegal evictions. "said Hon.Betty Amongi,the Lands Minister.

Buganda Land Board team led by the Ag. Managing Director, Mr. Kizito Bashir ,promised to work with Government to get rid of unlawful evictions citing the Board's policies that are against such illegal evictions .He outlined a number of programs and products that all promote security of tenure for its Land occupants or tenants. These include ,the bibanja tenant registration exercises,Wetuukire and LAFI among others.

"We are ready to compliment the Ministry of Lands in securing tenancies for tenants on Kabaka's land" Mr. Kizito said. He noted that the major cause of evictions is the lack of proper documentation for all lawful and banafidde occupants.

He pointed out that it was for that reason that the board had embarked on a massive bibanja occupants registration, citing over 120,000 and 25,000 tenants who the Board had recently registered and surveyed respectively.

The Minister of state for lands, on. Persis Namuganza welcomed the initiative of having both the Government and Buganda Land Board involved in collective mass sensitization on land matters. This, she said would promote consistency in communication and information dissemination especially in

attracting the kibanja occupants towards payment of ground rent.

The Board was also commended for the work well-done sofar especially in extending the registration and surveying exercise to the people as well as the decision to allow its masses to pay Busuulu. The Ministry officials also requested BLB to consider provision of Land use planning services so as to curb down on unplanned settlements and developments.

Such initiatives are done with the underlying objective of concealing fraud that was done by the officials in the Ministry of Lands, Department of Land Registration and Administration when they chose to allocate the individuals private mailo into leases qualifying under Kyapa Mungalo and selling the same such that both parties can benefit from the proceeds of the fraud. The question we should all ask ourselves is that, "why all over a sudden has Betty Among Ngee changed her mind on the Kyapa Mungalo Product which she used to be skeptical about vide the article below.?"

Source:https://capitalradio.co.ug/land-minister-expresses-discomfort-bugandas-kyapa-mungalo-campaign/

Land minister expresses discomfort on the Buganda's "Kyapa mungalo" campaign.

POSTED BY: ANNAH NAFULA

MAY 4, 2017

Land minister expresses discomfort on the Buganda's "Kyapa mungalo" campaign

Lands Minister Betty Amongi has questioned the mass land titling campaign by Buganda Kingdom's Land Board.

Buganda Land Board (BLB) is running the "Land Title in your Hands", a campaign aimed at granting mainly 49-year leases

for tenants on Buganda Kingdom land. The campaign targets those occupying the land without official documentation.

The Central government seems to be uncomfortable with the new arrangement which some have said may fuel mass land evictions on land owned by the Kabaka of Buganda or the kingdom.

Minister Amongi in a speech at the opening of the Justice Catherine Bamugemereire Commission of Inquiry into Land matters said she was listening to the issues emerging from the mass land titling exercise.

Amongi asked the Commission of Inquiry to also focus on Buganda Land Board campaign as part of the other issues to be addressed. She questioned what would happen to those holding the lease titles when the 49 years expire.

Though Amongi says she was expressing her personal opinion on the campaign dubbed "Ekyapa Mungalo", sources have indicated that President Museveni is not comfortable with it. The President has reportedly demanded for the protection of the Bibanja settlers who are bonafide occupants under customary tenure.

President Museveni met Kabaka Ronald Muwenda Mutebi early last month but the details of the meeting at State House Entebbe were not made public. The Katikkiro of Buganda, Charles Peter Mayiga and Prince David Wasajja were part of it.

President Museveni in April 2014 returned 213 land titles to Buganda Kingdom with a caution to the kingdom against evicting tenants settled on the land. The titles are part of the properties that the government forcefully occupied after the 1966 attack on the Mengo Palace that saw the then Kabaka Edward Mutesa exiled.

Over twenty thousand leasehold certificates have so far been issued to tenants who were settled on the land government returned to Buganda.

Buganda Kingdom's Land, Agriculture and Environment Minister, Engineer Martin Kasekende in a reaction to the Minister's statement defended the decision to have tenants on Buganda land issued with lease titles upon paying a fee ranging from 100,000 – 600,000 shillings. He was one of the Cultural leaders' representatives present at function held at the National Archives and Records Centre.

Engineer Kasekende explained that Buganda Kingdom would not be having any land left itf its predecessors allocated land to individuals for perpetual ownership.

The "Land title in your hands" matter has generated debate within Buganda with some criticising it. One of Kabaka's subjects, Male Mabirizi Kiwanuka towards end of April this year sued the Kabaka challenging his directive on issuance of land titles to tenants on the Kingdom's land.

Meanwhile, Buganda Land Board (BLB) has been running newspaper advertisements defending the mass titling of the kingdom land. The Board says it acknowledges the fact that there is a special relationship between the kingdom and people of Buganda.

It said the Kabaka under that relationship offers a maximum of 99-year-leasehold term and a minimum of 49 years to all tenants on kingdom land for those who wish to acquire leasehold titles.

Buganda Land Board says the acquisition of leasehold titles is voluntary and that any Kibanja holder not interested in leasehold title will remain a Kibanja holder with full rights.

Subsequently before showing you how banks have been fleeced through Kyapa Mungalo. Please bear wit to the presents of the advocate and architect of Kyapa Mungalo, David Kyewalabye Male.

Source
http://www.bugandalandboard.or.ug/index.php/news/214-what-is-kyapa-mungalo

What is KYAPA MUNGALO

Katikkiro Charles Peter Mayiga 2nd from left, speaking at the launch of Kyapa Mungalo campaign in Bulange.With him is CEO Buganda Land Board,Mr.Kyewalabye Male 1st from left,Eng.Martin Kasekende, Buganda Lands minister 3rd from left and Mr.Amis Kakomo,Buganda Agriculture minister.

What is KYAPA MUNGALO?

This is a campaign by Buganda Land Board meant to make it easier for those who have always wished to get leases on land managed by Buganda Land Board but were always hindered by costs and red tape to get them.

WHAT YOU SHOULD KNOW ABOUT KYAPA MUNGALO.

1.It is optional.Only those interested in elevating themselves from being bibanja holders to title holders and add value to their land are invited to respond to the Kyapa Mungalo call.

2.The promotional campaign has already started and will last 6 months.

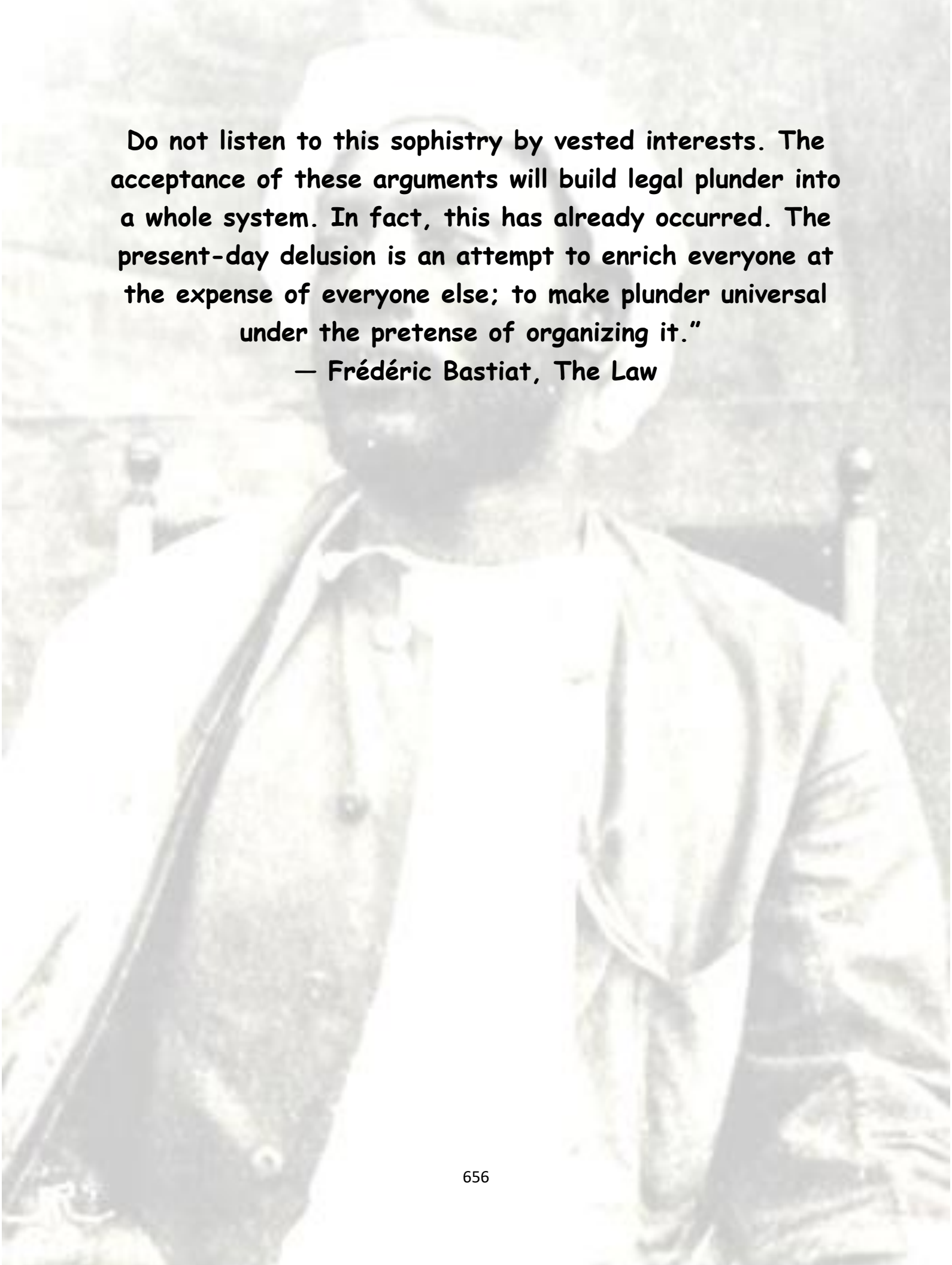
3.During the 6 month period of Kyapa Mungalo,premium costs of getting a 49year lease will be cut by 70%.

4.The lease agreement contains an automatic renewal clause of the lease after the expiry of 49 years.One can also decide to remain as a kibanja holder if their lease expires and they are unable to renew.

5.Kyapa Mungalo does not phase out kibanja holding.Those wishing to stay as kibanja holders can do so but must regularly pay their Busuulu as prescribed by the law and the minister.

QUOTE

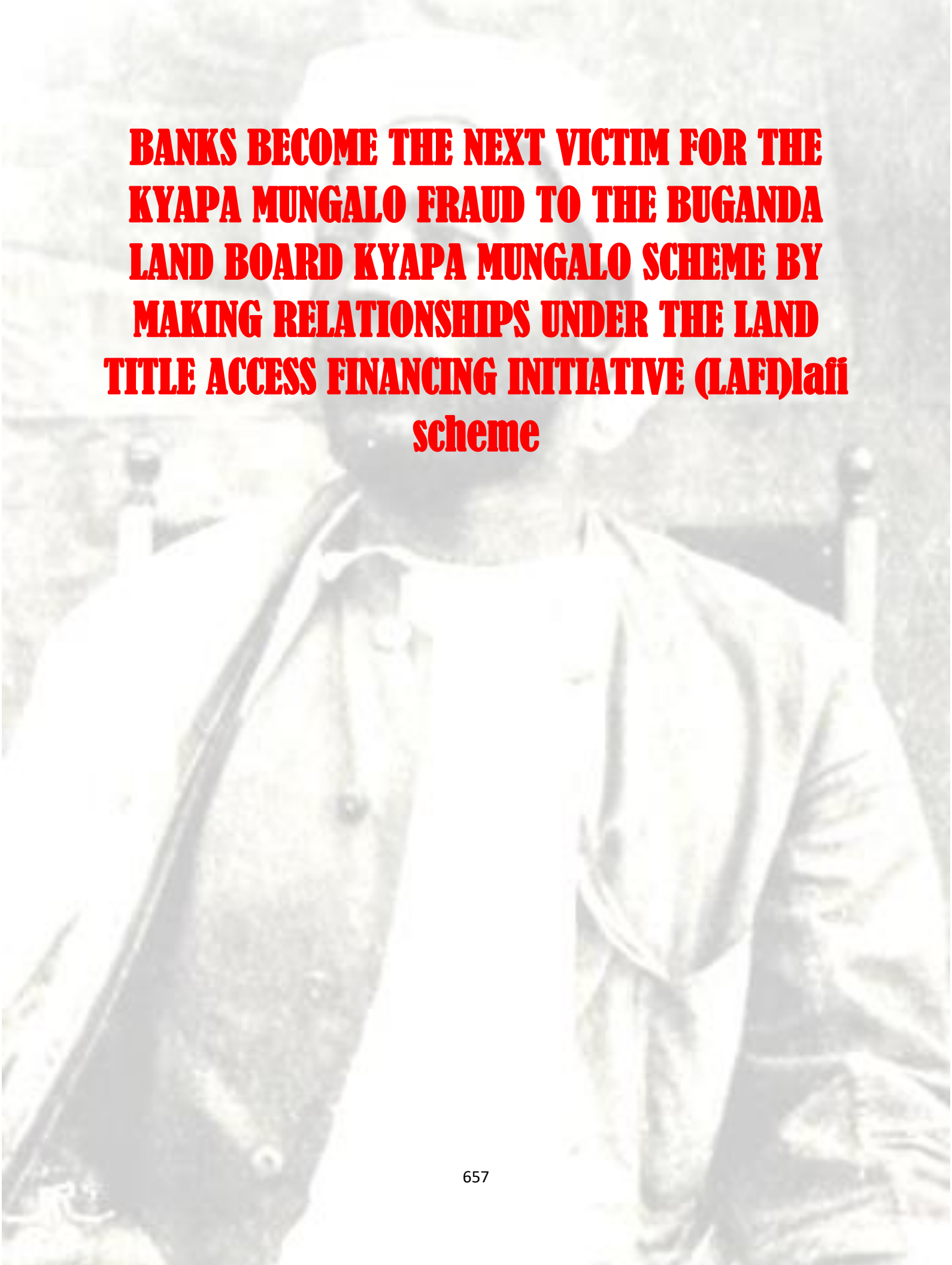
"The person who profits from this law will complain bitterly, defending his *acquired rights*. He will claim that the state is obligated to protected and encourage his particular industry; that this procedure enriches the state because the protected industry is thus able to spend more and to pay higher wages to the poor workingmen.



Do not listen to this sophistry by vested interests. The acceptance of these arguments will build legal plunder into a whole system. In fact, this has already occurred. The present-day delusion is an attempt to enrich everyone at the expense of everyone else; to make plunder universal under the pretense of organizing it."

— Frédéric Bastiat, The Law

BANKS BECOME THE NEXT VICTIM FOR THE KYAPA MUNGALO FRAUD TO THE BUGANDA LAND BOARD KYAPA MUNGALO SCHEME BY MAKING RELATIONSHIPS UNDER THE LAND TITLE ACCESS FINANCING INITIATIVE (LAFI)lafi scheme



SOURCE:http://bugandalandboard.or.ug/index.php/news/117-lafi

What is LAFI?

1.0 Introduction

Buganda Land Board (BLB) is an organization set up by the Kabaka of Buganda to manage land and properties returned under the Restitution of Traditional Rulers Act of 1993. This comprised of 350sq miles of land spread all over Buganda Kingdom and other properties as outlined in the schedule of the Traditional Restitution of Assets and Properties' Act Cap. 247.

Buganda Land Board in administering Buganda Kingdom land and estates interfaces with tenants on Kabaka's land on matters of security of tenure.

Buganda Land Board has come up with a scheme aimed at facilitating *bibanja* occupants acquire lease titles on Kabaka's land.

2.0 The Initiative –*"FUNA EKYAPA"*

The foundation of this initiative is the inability to acquire title attributed to financial constraints yet a title remains the only means towards security of tenure.

Management: 1.1

The scheme will be managed through a partnership involving Buganda Land Board, Banks/financial institutions and the *kibanja* occupants on Kabaka's land.

2.2 Target group.

Medium income earners (self-employed entrepreneurs or salary earners)

3.0 Benefits to the parties involved:

Buganda Land Board

- **A wider client base of Title holders on Kabaka's land.**
- **Proper planning through regulated development on Kabaka's land.**
- **Increased revenue generation due to a wide client's base**

The Bank/Financing institutions

- **Wide client's base as more accounts will be opened.**
- **Customer retention will be on the increase.**
- **Increased number of loan applicants with meaningful collateral.**
- **Improve the banks interface with clients.**
- **A good working relationship with Kabaka and financial institutions.**

Tenants on Kabaka's

- **Will have secured tenancy.**
- **Will use the titles as collateral in case of loan acquisition.**
- **Secure the future of their off springs and beneficiaries**

4.0 Mode of Operation

The scheme operates through Buganda Land Board (BLB) where applications forms and registration is done. BLB on assessment forwards to the bank qualified applicants in order for the bank to make informed decisions.

The Financial institution remits to BLB funds meant to facilitate the processing of the title. BLB forwards the title to financial institution as collateral and encumbrances shall be registered on the title.

4.1 Target Areas

***Bibanja* holders in urban and peri-urban areas are so far targeted. Such areas include;**

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Urban:

Katwe, Kibuye, Makindye,Luwafu, Lukuli, Katuuso, Konge, Buziga, Kyamula, Najjanakumbi,Kabowa,,Naziba, Nakulabye, Kasubi.

Peri-Urban:

Nyanama, Namasuba, Namungoona, Nansana, Kazo, Lubya, Ndejje, Masooli, Kasangati, Masajja, Kibiri, Gangu, Bwaise, Maganjo, Kawempe, Kagoma, Njeru T/C.

5.0 Obligations of the parties:

Buganda Land Board

- **Ascertaining the applicants' ownership of kibanja.**
- **Processing applicant's information and forwarding to the Bank/financing institution.**
- **Provide a valuation estimate for the prospective client's kibanja.**
- **Provide lease offer and there after a lease hold title.**
- **Presenting to the Bank the client's title as collateral.**

Bank/financing institution

- **Upon approval of customer's loan, the Bank advances all dues outstanding as per the lease offer.**

- **The Bank holds all securities offered by the customer up-to when the customer clears loan.**
- **The Bank ascertains the client's kibanja status; whether or not it has ever been mortgaged in any financial institution.**
- **Will upon recovery of the loan provide the land title or any other securities that were used as collateral.**

Occupant on Kabaka's land

The *kibanja* occupant will provide all information required to fulfill BLB tenancy registration requirements. They will also:

- **Be in possession of an account with the Bank/financial institution offering the loan.**
- **Consent to advancing a fixed amount up to 30% of estimated amount to BLB for surveying and valuation purposes.**
- **Be in possession of a steady income for loan repayment support.**

FINANCIAL INSITITUTIONS THAT FALL FOR THE FRAUDULENT LANT TITLING SCHEME

1. **Bank of Africa**
2. **Stanbic Bank**

3. Centenary Bank

BANKS' EXPOSURE TO THE BUGANDA LAND BOARD FRAUD LIVES

A recent initiative to develop a new bank product tailored to mortgages drawn out of a fraudulent scheme that involves the forgery of leases over private mailo land ultra vires the laws dramatizes the ongoing legal liability to which banking and other financial institutions are exposed when an economic fraud and resulting scandal all occur. In what will be a long standing matter , Banks like Africa's biggest bank Stanbic Bank, Bank of Africa, The Equity Bank among others remain very much in harm's way due to allegations relating to their conduct in connection with certain mortgage they have issued under Kyapa Mungalo leases which have been curved out of private mailo land issued by the now infamous Buganda Land Board an organization that was declared illegal in the case of The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling, Before Honorable Lady Justice Eva K. Luswata).

While "red flags" or "warning signs" are not an acceptable substitute for actual knowledge, circumstantial evidence could be sufficient to allow borrowers' claims to get to a

judge and, as to each of the banks, that such evidence in fact existed in this case where the banks managements and the Buganda Land Board technocrats using one of the most televised and publicized media channels did connive to get the borrowers fall prey to a scheme which both institutions entered to cheat the unsuspecting public off their savings through the purchase of the fraudulent Kyapa Mungalo leases forged out of private mailo land. The public is open to the fact that the banking sector is one of the most regulated industries in Uganda with laws that are stringent enough and were established under the Anti-Money Laundering Act (AMLA), 2013 to prohibit and prevent money laundering and the financing of terrorism. Its mission is to foster the integrity of the financial system through effective detection and prevention of financial crimes. So there is no way a bank could have entered such a relationship with a fraudster like Buganda Land Board without having done the due diligence requirements that are internationally dictate for compliance by the Basel Code of Banking Governance which are compliance tools that every financial institution in the world follows without exception.

The record included statements by Stanbic Bank chief executive officer who provided such assurance that the scheme there customers was about to enter was top notch vide the presents below.

It is very hard for anyone to believe that a bank as big as Stanbic Bank could enter such a scheme minus having done the required due diligence checks, stress tests if the good relationship went sour, legal check on the Buganda Land Board corporate status as detailed in the case of The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling, Before Honorable Lady Justice Eva K. Luswata). It's even further hard to believe that an institution with a gang of highly paid external lawyers would fall prey to such brazen frauds that the authors of this book where able to identify in a flash. It will be hard for Stanbic to foreclose on these loans because the odds of convincing a sober judge that they did not connive with Buganda Land Board to cheat the private mailo landlords and the bank customers will be hard to pull through.

SOURCE;
http://www.bugandalandboard.or.ug/index.php/news/265-buganda-land-board-signs-lafi-agreement-with-stanbic-bank

BUGANDA LAND BOARD SIGNS LAFI AGREEMENT WITH STANBIC BANK.

Buganda Land Board signed an agreement with Stanbic Bank to provide an affordable financing solution to enable bibanja holders to acquire land titles.

Stanbic bank CEO Patrick Mweheire shakes hands with Buganda Land Board MD Omuk.Kyewalabye-Male after the signing of the agreement.

The solution dubbed Kyapa Loans is aimed at simplifying land title acquisition by bibanja holders whose land has already been surveyed by the Buganda Land Board but lacked the resources to pay for their land titles.

In his remarks, Buganda Land Board (BLB) Managing Director, Kyewalabye Male said, "We are grateful for this

partnership with Stanbic Bank. The Buganda Land Board has the Land Access Financing Initiative (LAFI) that coordinates the process and tenants can approach the LAFI offices to pay the survey and registration fees. After which, the Buganda Land Board helps the tenants to survey and prepare the necessary documentation like the invoice and letter of recommendation which are presented to the bank for loan approval."

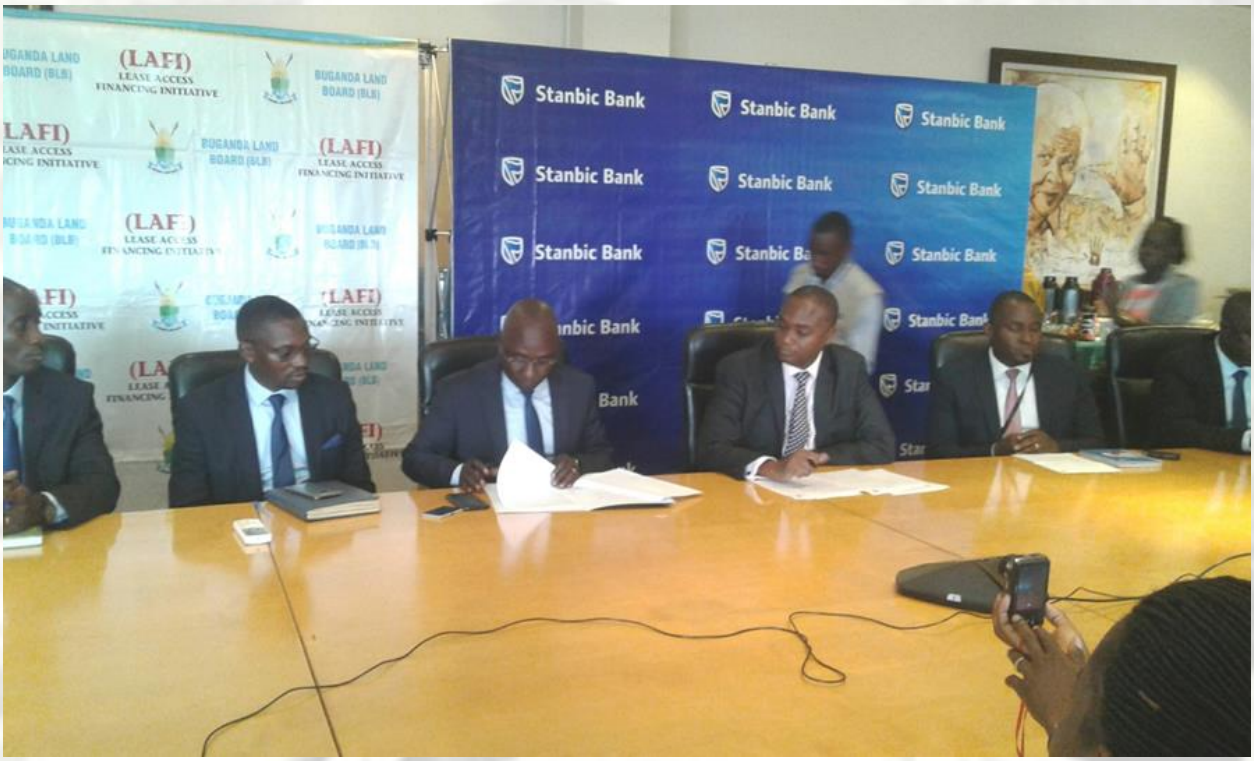
Buganda Land Board MD, Omuk.Kyewalabye-Male(second from left) making his remarks at the launch of Kyapa loan product.

The funds granted by the bank under this scheme primarily enable one to acquire their lease hold title, but can still

get more funds as equity release or fund house completion/renovation.

The solution is available to both salaried and self-employed (business) customers, and grants repayment periods of up to 24 months at the best interest rates in the market with the entire loan acquisition process not longer than 48 hours.

While addressing the press at the Stanbic Head offices, Stanbic Bank's Chief Executive Officer, Patrick Mweheire said, "Our partnership with the Buganda land board is a significant step that will enable Ugandan's to realise their dreams through asset acquisition. Our preposition will allow tenants on Buganda Kingdom land to get proper leasehold tittles which will allow them to further access additional funding from the bank when used as collateral," Mr. Mweheire went on to add that, "With a leading customer loan portfolio of UGX 2.2 Trillion, Stanbic has been a key enabler of growth through providing cheaper and affordable sources of credit at the lowest interest rates in the market." he said.



The product is targeting all bibanja holders who wish to add value to their land by acquiring land tittles issued through the Government of Uganda. The Stanbic Home Loans Manager, Jackson Emanzi affirmed that Ugandans now have an opportunity to acquire land titles using an affordable land financing solution

He said, "As a bank, we have now gone further down the ecosystem to accord those with residences on Kabaka's land with the financing to allow them process land titles through our new partnership with Buganda Land Board." "Under this arrangement, the bibanja holders will approach the Buganda Land Board's Land Access Financing initiative (Kyapa Mungalo) offices to survey and authenticate their

land. After which, they will be issued with a Letter of recommendation to the bank and invoice of total cost which is presented to the bank for financing." Emanzi added.

The teams from Buganda Land Board and Stanbic bank observing the launch of the Kyapa loan partnership between Buganda Land Board and Stanbic bank.

Similarly, Fred Lwegaba (FCCA) allegedly referred to Buganda Land Board as a "house of cards." In contrast, the record against Bank of Africa was "devoid of blunt statements." Still, any intelligent by stander would rule that the court could find, given the totality of the circumstances that Stanbic Bank among others substantially and knowingly assisted in Buganda Land Board's fraud.

"To establish a claim of civil conspiracy, the mortgagees holding the fraudulent Kyapa Mungalo issued by the learned lawyer, Charles Peter Mayiga's Buganda Land Board must demonstrate the underlying tort [—here, fraud—], plus the following four elements: (1) an agreement between two or more parties; (2) an overt act in furtherance of the agreement; (3) the parties' intentional participation in the furtherance of a common purpose or plan; and, (4) resulting damage or injury." The Court will definitely rule that a "reasonable judge will find that the financial institutions knowingly agreed to further Buganda Land Board's underlying fraud in conducting certain transactions."

My learned friends will agree with me that the investigators and courts of law will go through an instructive mortgagee-by-mortgagee analysis of the record and author's claims that both Stanbic Bank and Bank of Africa made negligent misrepresentations when marketing certain of the product branded Kyapa Mungalo leases which is taint with fraud on the onset. The forensics experts will definitely reaffirm the Basel Code of Banking Corporate Governance's requirement that the liability for negligent misrepresentation can only exist when a "special relationship" of trust and confidence exists between the parties, and where the injured party mortgages relied on that relationship. Typically, as a general principle, a

broker-customer relationship does not qualify as a "special relationship" trigger for a viable claim of negligent misrepresentation; however, the Court should note that the existence of such a relationship is always fact-intensive with each case being different. Therefore, if financial institutions that entered the pact with the fraudulent Buganda Land Board recommended there bank clients make the Buganda Land Board's purchases knowing the information provided would be relied on by mortgages and that the Stanbic Bank and Bank of Africa among others conduct linked them to mortgagee's reliance such a relationship could be established.

Ultimately its most likely that Stanbic Bank will have to answer as the claims of negligent misrepresentation at trial. Specifically, the Court will hold that there was evidence that could allow a reasonable judge to conclude that Stanbic Bank among others directly solicited Buganda Land Board's investments, acted as broker for those purchases, and misrepresented existing facts as to Buganda Land Board's creditworthiness, so as to establish the relationship required to sustain negligent misrepresentation claims. While the relationship with Stanbic was established as per the images and recordings available in different media houses as well as the Buganda Land Board website, mortgagees will not point to any specific facts distinguishing this relationship from the half

dozen of other brokers and banks with which Buganda Land Board dealt with. Notwithstanding dealing with other brokers and banks, the court will still entertain the claim if mortgagees will be able to show, with specificity, its reliance on Stanbic Banks relationship statements and massive advice that led them to fall victim to the country's most brazen theft engineered by non except Charles Peter Mayiga and his cronies in the Buganda Kingdom and the Buganda Land Board notwithstanding the information that we were able to see prior.

The decision and analysis in the mortgagee's case reinforces that banks will almost always be in the direct line of fire from plaintiffs whenever and wherever economic fraud strikes. The passage of time in the Buganda Land Board scandal, or any "fatigue" that might have existed as a result of it, is of no moment to the Court. The notion that these banks, absent a settlement or legal reversal, are now looking down the barrel of a judicial trial on whether they knew of, aided, substantially assisted, conspired and/or (in the case of Bank of Africa) made their own misrepresentations in connection with Buganda Land Board's fraud. This case should serve as a loud reminder to all financial institutions that their internal policies, procedures, supervision, and compliance protocols when making representations or soliciting investments must be robust. Personnel must also react to suspicions or

concerns they see in emails and also must be equally mindful that such emails could form the basis of "evidence" against the bank— even twelve years later as required by the Ugandan Statute of Limitations in commercial cases. It's really so absurd that one of the worlds global banks did fall prey to a fraudulent scheme engineered by the Buganda Land Board Limited technocrats as a result of not conducting the required due diligence.

The fraudulent technocrats of the Buganda Land Board thought that by creating customer bundles, it would be very hard to break down the fraud component. Once they were sure that they were sleeping in the same bed with the Ministry of Lands, Department of Land Registration and Administration that had control over the computerized land titling system together with the strategic management team. This would help them systematically conceal the fraud. They have now started building linkages with the Government such that they can bridge there fraud into the legislative arm to have a three sixty degree coverage but prior to this being done, the authors of this book have been able to disclose the most brazen heist.

As provided in Section 21 (pb) of the Anti-Money Laundering Act, 2013 (as amended), the Financial Intelligence Authority (FIA) is mandated to register all accountable persons as stipulated in the Second schedule to the AMLA and as a result, establish and keep a

register of all accountable persons which shall be made available to the general public as provided for under Regulation 3 of the AML Regulations, 2015.

The listed accountable persons that must mandatorily register with the FIA are as follows:-

1. Advocates as defined in the Advocates Act, notaries licensed and certified under the Notaries Public Act, accountants as defined in the Accountants Act, and other independent legal professionals and accountants.

2. A board of executors or a trust company or any other person that invests, keeps in safe custody, controls, or administers trust property within the meaning of the Trustees Act;

3. Casinos (which also includes internet casinos);

4. Real estate agents;

5. Dealers in precious metals and gems.

6. Trust and company service providers not covered elsewhere in this Schedule which as a business provide any of the following services to third parties:

(a) acting as a formation agent of legal persons;

(b) acting as (or arranging for another person to act as) a director or secretary of a company, a partner of a

partnership, or a similar position in relation to other legal persons;

(c) Providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;

(d) acting as (or arranging for another person to act as) a trustee of an express trust;

(e) acting as (or arranging for another person to act as) a nominee shareholder for another person.

7. A financial institution as defined in the Financial Institutions Act.

8. A broker, dealer or investment advisor licensed under the Capital Markets Authority Act.

9. An insurance company licensed under the Insurance Act.

10. Registrars of Companies.

11. Registrars of Land.

12. The Uganda Investment Authority.

13. All licensing authorities in Uganda.

14. Any other person who conducts the business of:

(a) acceptance of deposits and other repayable funds from the public including private banking;

(b) lending including, inter alia, consumer credit, mortgage credit, factoring with or without recourse, and finance of commercial transactions);

(c) financial leasing (not including financial leasing arrangements in relation to consumer products);

(d) the transfer of money or value;

(e) issuing and managing means of payment e.g., credit and debit cards, cheques, traveler's checks, money orders, bankers' drafts, electronic money;

(f) Financial guarantees and commitments;

(g) trading in:

(i) money market instruments (cheques, bills, CDs, derivatives, etc.),

(ii) foreign exchange,

(iii) exchange, interest rate and index instruments,

(iv) transferable securities,

(v) commodity futures trading;

(h) participation in securities issues and provision of financial services related to such issues;

(i) individual and collective portfolio management;

(j) safekeeping and administration of cash or liquid securities on behalf of other persons;

(k) otherwise investing, administering or managing funds or money on behalf of other persons;

(l) underwriting and placement of life insurance and other investment related insurance , including non-life insurance business;

(m) money and currency changing.

15. Non-governmental organizations, churches and other charitable organizations.

Regulation 4 (1) of the AML Regulations, 2015 provides that, every accountable person shall register with the Authority, within one year from the commencement of these Regulations, or such other period as the Authority may specify. This clearly set the deadline of registration as at November 2016. We have however extended the deadline to 30th October, 2018 to enable each accountable person meet this deadline.

So there is no way that Stanbic Bank among others can flip boat for having failed to do this and made the investigations from FIA about the legitimacy of the Buganda Land Board. Indeed if they had they would have found out that the Buganda Land Board is a legal sham and business operating out of legal mates and bounds.

The law provides that a party may be relieved of a judgement or order upon the ground of "fraud, misrepresentation, or other misconduct of an adverse party". The fraud contemplated may be extrinsic or intrinsic. Extrinsic fraud is said to deprive a party from fully and fairly litigating a matter. (Shaw v. Shaw, 97 AD2d 403 [2nd Dept. 1983].) Examples of extrinsic fraud include false promises to compromise and acts committed by one party for the purpose of keeping another party away from court so that a default judgment may be secured. (Tamimi v. Tamimi, 38 AD2d 197 [2nd Dept. 1972].) Allegations of extrinsic fraud do not require a moving party to establish a reasonable excuse for its default or a meritorious defense. (Deutsche Bank Nat. Trust Co. v. Gillio, 2009 NY Slip Op 50383U; 22 Misc 3d 1131(A) [NY Sup. 2009].)

Conversely, intrinsic fraud generally concerns a fraudulent instrument or false representation and requires a moving party to demonstrate a meritorious defense and a reasonable excuse for its default. (Bank of New York v. Lagakos, 27 AD3d 678 [2nd Dept. 2006].)

A forged deed or title has long been treated as void ab initio, entirely without effect from inception. Therefore, the statute of limitations does not apply to claims to vacate and declare the deed and defendant's mortgage-based interest in the property a legal nullity.

In Marden v Dorthy, the Court held that a forged deed or title was void at its inception, finding it to be a "spurious or fabricated paper" (160 NY 39, 47 [1899]), a forgery characterized by "the fraudulent making of a writing to the prejudice of another's rights" (id. at 53). As Marden noted, a forged deed lacks the voluntariness of conveyance (see id. at 54). Therefore, it holds a unique position in the law; a legal nullity at its creation is never entitled to legal effect because "[v]oid things are as no things" (id. at 56).

*A forged deed that contains a fraudulent signature is distinguished from a deed where the signature and authority for conveyance are acquired by fraudulent means. In such latter cases, the deed is voidable. The difference in the nature of the two justifies this different legal status. A deed containing the title holder's actual signature reflects "the assent of the will to the use of the paper or the transfer," although it is assent "induced by fraud, mistake or misplaced confidence" (Marden, 160 NY at 50; see also Rosen v Rosen, 243 AD2d 618, 619 [2d Dept 1997]; 26A C.J.S. Deeds § 153 ["where the grantor knowingly executes the very instrument intended, but is induced to do so by some fraud in the treaty or by some fraudulent representation or pretense, the deed is merely voidable"]). Unlike a forged deed, which is void initially, a [*4]voidable deed, "until set aside, . . . has the effect of transferring the title to the fraudulent grantee, and . . .*

being thus clothed with all the evidences of good title, may encumber the property to a party who becomes a purchaser in good faith" (Marden, 160 NY at 50).

A forged deed, however, cannot convey good title, and "[i]t is legally impossible for anyone to become a bona fide purchaser of real estate, or a purchaser at all, from one who never had any title, and that is this case" (id. at 56; see also Yin Wu v Wu, 288 AD2d 104, 105 [1st Dept 2001] ["A forged deed is void and conveys no title"]; "A purchaser who takes title through a forged deed or title cannot be a bona fide purchaser, even if the purchaser did not have knowledge of the forgery"]). Uganda's rule reflects a general well-established principle of real property law (konda Zimula v Byarugaba & anor (H.C.C.S. NO. 66 OF 2007) [2014] UGHCLD 68 (10 November 2014);. the same applies to the common law wealth precedents (see e.g. Harding v Ja Laur Corp., 20 Md App 209, 214 [Md Ct Spec App 1974] ["A forged deed . . . is void ab initio"]; Scott D. Erler, D.D.S. Profit Sharing Plan v Creative Fin. & Investments, L.L.C., 349 Mont 207, 214 [2009] ["forged conveyances are void ab initio and do not transfer title"]; Brock v Yale Mortg. Corp., 287 Ga 849, 852 [2010] ["we have also long recognized that a forged deed is a nullity and vests no title in a grantee"]; Akins v Vermast, 150 Or App 236 n 7 [Or Ct App 1997] "If fraud is 'in factum,' such as a forged deed or a situation

analogous to forgery, the deed is void ab initio and will not support subsequent title in any person"]; First Nat. Bank in Albuquerque v Enriquez, 96 NM 714, 716 [1981] ["a forged deed is a void deed and transfers no interest"]; Williams v Warren, 214 Ark 506, 511 [1949] ["No one can claim that an estate in land should be divested by forgery"]).

It is similarly true that no property shall be encumbered, including by a mortgagee, in reliance on a forged deed or title (see Marden, 160 NY at 51; see also Cruz v Cruz, 37 AD3d 754, 754 [2d Dept 2007]["A deed or title based on forgery or obtained by false pretenses is void ab initio, and a mortgage based on such a deed is likewise invalid"]; Jiles v Archer, 116 AD3d 664, 666 [2d Dept 2014] ["If a document purportedly conveying a property interest is void, it conveys nothing, and a subsequent bona fide purchaser or bona fide encumbrancer for value receives nothing"]; ["If the conveyance is void, the purchaser or encumbrancer will not enjoy any of the rights of a bona fide purchaser"]; 43A NY Jur 2d Deeds § 218 ["a forged deed or title is null and void, and conveys nothing, and a purchaser or mortgagee from the grantee, even for value and without notice of the forgery, will not be protected"]).

Courts of justice will not allow a person to keep an advantage which he obtained in bad faith. Fraud once pleaded and proved it vitiates judgments, contracts and all

transactions whatsoever. We are satisfied that the purchaser in the instant case did not carry out diligent search when he did not inquire into the manner Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was registered on the Title issued over individuals private land was illegal, if he had he would have questioned why he used a Power of Attorney as opposed to the formal transfer from the registered private mailo land lord. There is no evidence that before they purchased from Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited they visited the property and confirmed with the local authorities i.e. L.C.I officials that Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was the owner of the property and had the capacity to sell it. The Local Authority and neighbours would have informed them who the owner of the property was. It is not enough to say that they had rumours from around and about that Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited was the owner of the land that he was claiming. Such representations would have been obtained from the land office in Entebbe and also wise people would have included an indemnification given by the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda

Kingdom and the Buganda Land Board private limited against third party claims.

It is settled that fraud must be attributable to the transferee, in the instant case the purchasers of Kyapa Mungalo that was curved out of private mailo land registered in other names and not that of the Kabaka had constructive knowledge of Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited's fraudulent registration and took advantage of its merely contending that the Certificate of Title he held was in his names and the claim drawn from the Buganda Land Board website that states that," Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients." Failure to obtain legal wisdom on how the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda is applied cannot be made the liability of the landlord for the private

mailo for indeed he has never received your consideration and he has never expressed any intention to sale his land per se. The purchasers of Kyapa Mungalo curved out of private mailo and not registered in the Kabaka's name in personum should have inquired into the validity of the Title as discussed above. In the final conclusion the purchasers of Kyapa Mungalo curved out of private mailo can not be bona fide purchaser for value without Notice.

We should also agree that common sense as well as the law dictates that recording a forged deed or title does not transform it into a document with legal authority to establish a valid property interest, for it "does not change the legal rights of anyone" (Marden, 160 NY at 56). "The fact that a false and fabricated writing of this character is deposited in a public office for record, and is actually recorded, can add nothing to its legal efficacy. The recording statute applies to "genuine instruments and not to forged ones" (id. at 56, citing Albany County Sav. Bank, 149 NY at 74) and in Uganda this is primarily affirmed in the Section 77 of Registration of Titles Act states:-

"Any Certificate of Title, entry, removal of encumbrance, or cancellation, in the Register Book, procured or made by fraud, shall be void as against all parties or privies to the fraud."

The Issuance of the Kyapa Mungalo leases over private mailo land owned by individuals by the Buganda Land Board Limited was irregular and illegal and Courts of Law can perpetuate illegality once brought to its attention and we should note that the duty of a purchaser or a mortgagee to investigate the Title is not a duty owing to the holder or the possible holder of a latent Title or security. It is a merely the course which a man dealing bona fide is proper and usual manner for his own interest ought by himself or his solicitor to follow that course the omission of it may be a thing requiring to account for or explained. It may be evidence of a design inconsistent with what a bona fide dealing to avoid knowledge of the true state of Title... a purchaser who knows that the property purchased is in occupation of some person other than the Vendor is affected with constructive notice of the right of the occupier but if he registers a conveyance without making further inquiries he will lose the benefit of registration only if in the circumstances of the case abstention from inquiry evidences a want of good faith."

Given the clarity of our law that a forged deed or title is void ab initio, and that it is a document without legal capacity to have any effect on ownership rights, the question remains whether a claim challenging a conveyance or encumbrance of real property based on such deed is subject to a time bar. Our case law permits only one

answer: a claim against a forged deed is not subject to a statute of limitations defense.

Indeed, this is the prevailing approach in other jurisdictions (see e.g. Moore v Smith-Snagg, 793 So 2d 1000, 1001 [Fla Dist Ct App 5th Dist 2001]["(o)f course, there is no statute of limitations in respect to the challenge of a forged deed, which is void ab initio"]; see also Wright v Blocker, 198 So 88, 90-91 [Fla 1940]). The high court of West Virginia, for example, has observed that "there is no statute of limitations regarding void deeds" (MZRP, LLC v Huntington Realty Corp., 2011 W Va LEXIS 240, 2011 WL 12455342 [W Va 2011] [void tax deed]), while the high court of Idaho held that "[b]ecause [a] lease agreement was void ab initio, it could be challenged at any time" (Thompson v Ebbert, 160 P3d 754, 757 [Idaho 2007] [attempted lease void based on a lack of authority to lease only a portion of the property]).

However, the dissenting party in favor of Buganda Land Board Limited fraudsters ignore the significant public policies underlying our real property system, which have animated the previously discussed real property rules that treat forged deeds as a legal nullity. The public policy concerns that underlie prohibitions on enforcement of illegal contracts are surely no more consequential than those applicable to forged deeds, and a forged deed is no less offensive to our legal system than an illegal contract.

As the Court stated in Marden, a forged deed and title as well is essentially " a false making, with an evil design" (160 NY at 55). Indeed, Uganda has determined that forgery is sufficiently morally unacceptable and dangerous to society that our State has criminalized forgery, subjecting wrongdoers to potential criminal prosecution with the attendant risk of incarceration (see The Penal Code). Therefore, we will not impose statutes of limitations on forged deeds and titles like the Buganda Land Board will want us to because the resulting prejudice to the "rights of the true owner of real estate" only "open[s] the door for the destruction of all titles, and makes[s] it much easier for the criminal to purloin real than personal property" .

The Buganda Land Board Scandal is considered to be one of the most notorious within Ugandan history; the Buganda Land Board Limited scandal summary of events will be considered by many historians and economists alike to have been an unofficial blueprint for a case study on White Collar Crime – White Collar Crime is defined as non-violent, financially-based criminal activity typically undertaken within a setting in which its participants retain advanced education with regard to employment that is considered to be prestigious.

While the term regulation within a commercial and corporate setting typically applied to the government's

ability to regulate and authorize commercial activity and behavior with regard to individual businesses, the Buganda Land Board Limited executives applied for – and were subsequently granted – government deregulation. As a result of this declaration of deregulation, Buganda Land Board Limited executives were permitted to maintain agency over the earnings reports that were released to investors and employees alike and they created a scheme where they would manipulate the title registration system without being involved.

This agency allowed for Buganda Land Board Limited's earning reports to be extremely skewed in nature – losses were not illustrated in their entirety, prompting more and more investments on the part of investors wishing to partake in what seemed like a profitable company. The action of letting these people operate out of the mates and bounds of the law majorly driven by social political perceptions bred a regime of technocrats who thought that they were above the law. In fact one person declared this clique as too big to collapse when we started this investigation and legal representation.

In the year 2018, subsequent to the discovery of the crimes listed in the above Buganda Land Board Limited Scandal Summary, Buganda Land Board Limited had announced that there was a critical circumstance within Mutungo Kigo where a set of Chinese had been barred

from constructing further on the shores o lake Victoria at Kigo by the Mwanga Family members that triggered the Chinese Investor and Kizito Bashir Juma to engage the family about the ownership of the land in question hence opening a can of worms for the Buganda Land Board. Due to the fact the Buganda Land Board Limited was a then-widely respected corporation, the general populace were not wary about the validity of these statements.

However, upon retroactive review, many historians and economists suspect that the Buganda Land Board Limited executives manufactured this crisis in preparation of the discovery of the fraud they had committed – although the executives of Buganda Land Board Limited were enjoying the funds rendered from investments, the corporation which had withstood a legal sentence in 2013 detailed in the case headed The High Court Of Uganda At Kampala Land Division Misc. Cause No. 622 Of 2013 (Arising From Civil Suit No. 244 Of 2013) Buganda Land Board(Applicant) Versus John Wampamba (Respondent) Ruling, Before Honorable Lady Justice Eva K. Luswata). itself was approaching bankruptcy for indeed at the end of the day the Buganda Land Board has to restitute the people who purchased the Kyapa Mungalo leases forged over private mailo land without the consent of the landlords for value plus interest, Indeed for the 33000 titles made, the majority are forged over private mailo

land, this has caused a crisis that will lead to loss of trust in the Person of The Kabaka, Muwenda Mutebi Ronald, Buganda Kingdom and the Buganda Land Board private limited's . The only relief that the Kingdom will have is that the fraud was exposed from in house which will in turn present the Kingdoms commitment to support legitimate land registration and also pole vault the states policy in combating fraud against the subjects of the kingdom and other Ugandans.

The Buganda Land Board Scandal Summary of the acts of Embezzlement undertaken by Buganda Land Board Executives may be defined as the criminal activity involving the unlawful and unethical attainment of monies and funding by employees; typically, funds that are embezzled are intended for company use in lieu of personal use. While the Buganda Land Board executives were pocketing the investment funds from unsuspecting investors, those funds were being stolen from the company, which will ultimately result in the bankruptcy of the Person of The Kabaka, Muwenda Mutebi Ronald and the Buganda Land Board private limited's .

In the author's opinion due to the actions of the Buganda Land Board executives, the Buganda Land Board Company will have to go bankrupt after a long period of legal suits. The loss sustained by investors will exceed $90 billion. Furthermore, these actions cost both trustees and

employees upwards of $12 billion; this total is considered to be a result of misappropriated investments, pension funds, income lost as a result of forgery of titles and savings plans – as a result of the government regulation and the limited liability status of the Buganda Land Board Corporation, only a small amount of the money lost was will ever be returned.

It's not easy to silence a room full of senior executives all too accustomed to holding the floor. But a few well-chosen phrases are usually all it takes, says Jim Ratley, president and CEO of the Association of Certified Fraud Examiners (ACFE). Try "asset misappropriation," "corruption charges" and "financial statement fraud." That'll pretty much do it. When Ratley speaks to executives, they know the message won't be pretty. No fraud is. But hearing the words usually only seen in screaming headlines—and hearing them in the context of their own companies—is a sobering experience to say the least. And even more sobering is the fact that 36 percent of frauds are committed by a member of management and 19 percent by an owner/executive. In other words, by their peers.

Despite all the technological advances influencing just how a fraud might be pulled off and detected, the act itself—at its core—remains the same, says Tim Voncina, a Chicago-based managing partner for RGL Forensics. "David Cressie's fraud triangle still holds true today. The three

prongs—opportunity, motivation and rationalization—are essentially the human bits that time and technology just don't seem to change," he explains. Voncina works with everything from mom-and-pop shops to the Fortune 100. "Complacency happens in all of them," he says. "It's usually a lack or breakdown of internal controls. Maybe one person has more responsibility than is smart. Or there's not enough separation of duties. But the one sure thing is...greed takes over and that's when the crime becomes identifiable."

Despite their considerable contributions to fraud investigation work, My friend,Frank S. Perri, a criminal trial attorney for over 20 years, believes that the behavioral profiling of white-collar offenders is still in its infancy. "We are observing fraud offenders in management capacities; the behavioral traits that serve as fraud offender risk factors are at times the same traits they are rewarded for in organizations," he explains. He cautions that behavioral traits are not the cause of fraud but rather serve as identifiable risk factors that may indicate an increased probability of fraudulent activity. "Part of the problem in understanding the fraud offender profile," he explains, "is that people engage in projection bias to downplay the traits they observe in others, especially those individuals that they work with. They assume that others share the same values as they do in

terms of integrity, and therefore it's not conceivable that those close to them would engage in criminal activity."

Too often people equate criminality with the way a person looks, says Perri. "If someone doesn't have the conventional look of a street-level criminal, then one is not a criminal. Social psychological research has shown that people attribute qualities of integrity to those that display similar traits to their own, such as their level of education and their religious affiliation. Yet there are plenty of examples such as Bernard Madoff, Andrew Fastow of Enron and a host of other high-level fraud offenders who didn't display those street-level criminal looks. This kind of analysis is also applicable to Bank of Uganda's Louis Kasekende, Dorothy Bagyenda, Gabriel Opio Okello, Twinemenzi among others who have given enough fraud evidence to already convince the court of public opinion. The question that isn't asked is how do criminals think in a manner that is similar regardless of the crime they commit, be it white-collar crime or burglary? For accountants and other anti-fraud professionals, understanding how criminals think is an important element of why we maintain professional skepticism."

Take David Colletti, a former marketing VP at MillerCoors, who was indicted in May of this year. Colletti worked for the company from 1982 to 2013, overseeing the marketing and sale of beer to restaurants and bars,

according to the indictment filed in Chicago federal court. He allegedly conspired with several others to falsely bill MillerCoors for fictitious promotional events and services, and shared the payouts with his fellow defendants. The indictment states that the defendants used proceeds to invest in a hotel and an arena football team. "Take a look at the photos of this guy and most like him," says Perri. "You'd have him over for dinner, sit next to him in a meeting, and not once think he was involved in criminal activity." Which is why, Perri explains, so many white-collar criminals are able to get away with fraud for millions of dollars, which is what the indictment for Colletti and friends cites.

REASONS WHY BANKS FALL PREY TO THE BUGANDA LAND BOARD FRAUD FOR KYAPA MUNGALO

Buganda Land Board's name has become synonymous with corporate fraud the world over. Although there was indeed fraudulent activity at Buganda Land Board, the reason the corporation failed was the same reason for its meteoric rise: foolish financing. The company used off-balance-sheet vehicles to finance the interests of the shareholders, executive management and non-executive management. It owned many of these vehicles in non-arm's-length transactions, enriching its management and the shareholders at the expense of the general public that includes the private and public persons and the banks for

which they made relationships under the well-known LAFI scheme. Buganda Land Board's exploited accounting rules to conceal its activities from the public. Perhaps most egregiously, the company pledged Buganda Kingdom private and mailo land to back many of its financing deals. Thus, if Buganda Land Board forged illegally over private mailo land fell substantially for any reason, the company would experience a wave of collateral calls, forcing it into bankruptcy. In fact, that is precisely what happened. Had The person of the Kabaka, Buganda Land and the Buganda Kingdom been forthright in its disclosures, its collapse would have been all too predictable.

The Buganda Land Board Lafi exposes the extent of how systematic white collar crime as a result of collusion can eat up an economy. This is a game that involved chief executive officers of the financial institutions ganging up with their counter parts in the fraudulent Buganda Land Board together with the team in the Ministry of Lands, Housing and Urban development department of Land Registration and Administration by coming up with the most fraudulent mortgage scheme that involved the issuance of titles over private mailo land without the consent of the true owners of the land in question.

As a result, these settlements are a strong signal that corporate advisers will be held responsible for the financial effect of their dealings with clients -- meaning that

banks, accountants and lawyers can be held responsible if a transaction is legal in every respect but results in a outcome that deceives investors.

''These two cases serve as yet another reminder that you can't turn a blind eye to the consequences of your actions,'' said Fred Lwegaba, Finance director of the Marie Stoopes Organization African Cluster ''Financial institutions may not look the other way when their clients use them to manipulate financial results.'' ''No more phony baloney offshore special purpose vehicles that are not understandable,'' he said, stressing that deals with such entities are incomprehensible to investors.

The transactions between the banks and Buganda Land Board will be the focus of hearings before the Parliaments private members Subcommittee on Investigations which will definitely be formed to handle the Kyewalabye David Male, Charles Peter Mayiga and Juma Kizito Bashir Saga of the Buganda Land Board. The meanest thing here is that Banks will then learn that the organization they are dealing with is illegal when they become privy to Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); the learnt Lord Justice Honorable Lady Justice Eva K. Luswata which will prove to Ugandans that the Banking Industry is a composition of fraudulent individuals or they are just a negligent clique of individuals who do not even pay attention to the anti-

money laundering regulations and the due diligence rules that they are supposed to comply with. However during those hearings, bank representatives will repeatedly stress that they were not responsible for how a client disclosed its dealings with the bank, adding that their transactions met the literal requirements of the law. 'These investigations and the actions taken thereafter will send the clear message that Ugandan bankers, brokers, accountants and lawyers have an obligation to analyze and understand the consequences of their actions, and they will be held accountable for deceptive transactions,'

We expect the Banks affected to reach an agreement with the Bank of Uganda to put in tighter risk management controls. We would suggest that banks promise to submit to the agency a revised set of standards within 60 days that will include provisions for greater oversight of complex deals like S.P.E.'s by senior executives at the banks. Stanbic, Bank of Africa and Centenary Bank among others must also file the revised standards with the regulatory department of the Bank of Uganda Banking Department and the Financial Intelligence authority.

At issue in the bank investigation were a series of transactions used by Buganda Land Board to generate what appeared to be cash flow from its businesses. High street banks tend to study cash flow closely, largely because it is extremely difficult to increase that number through

accounting gimmicks often used to improve earnings. As a result, the sales prices of companies with low cash flow but high earnings can suffer amid investor concerns about ''quality of earnings.'' In other words, if a corporation is generating profits with little cash, investors are left to wonder how real the profits really are.

Buganda Land Board entered the banks, with transactions known as prepays, which investigators said were nothing more than loans disguised as commodities transactions. In this scheme Bank Officials role was to help the Buganda Land Board convince their customers into a mortgage scheme through which the banks could increase there asset portfolios through the expansion of mortgages registered on the forged Kyapa Mungalo leases curved out of mailo land. The Buganda Land Board will then get the cash flows from the banks and hold them as a liability on the bank accounts which they would use for inter day lending's to get revenue. On the bank side too, the would create money on fixed deposits that they held for the Buganda Land Board. The losers here will then be the lessees who will be holding forged leases over private mailo land and the private mailo land who would be denied ownership to their land vide these fraudulent transactions. Subsequently when the deals go like they would have done now banks will still do foreclosures on the mortgages at the expense of the borrowers.

Through the prepays, Buganda Land Board entered into transactions with the lessees of the Kyapa Mungalo on private mailo land, which entered into transactions with the bank, which entered into transactions with Buganda Land Board. The net effect of these deals was that the entire trading effort was a circle, with Buganda Land Board. ultimately being the shipper and receiver of the same amounts of a commodity, due at the same price on the same day. All of the multiple deals canceled one another out except for two: Buganda Land Board. received huge sums of cash, and later, Buganda Land Board. paid back those sums plus interest. In other words, they were loans.

Although the regulators will extract fines from the banks for dealing dubiously with the Buganda Land Board at the expense of the clients, the complexity of the deals makes it difficult to prove that the banks had knowingly committed fraud. This arises from the fact that it will be very hard to prove that the banks actually connived with the Buganda Land Board thieves to cheat the people with the exception of never doing the correct due diligence reviews and checking the legal efficacy of the Buganda Land Board ''We'd have to show intent to defraud, but we didn't feel we could show that here.'

That is all Katikkiro Charles Peter Mayiga wanted. It would be easy to portray Buganda Land Board as nothing

more than a ravenous rogue corporation which rampaged briefly around the world and across Uganda, ruthlessly buying influence and exploiting regulatory loopholes in a self-perpetuating quest for size, power and money. The truth is more slippery, and of not much more comfort to those troubled by the hold of global capitalism. Katikkiro Charles Peter Mayiga wanted to be admired as a good man, a moral man, but the admiration he sought was in Kyotera Masaka, not the wider world. When a man is hailed as a great philanthropist at home it is, perhaps, easier for him to become complacent over what the source of his philanthropy is up to elsewhere.

The truth is that Buganda Land Board never was Uganda's largest real estate company. Like much written and said about Buganda Land Board before hindsight set in last year, this was a fiction that the best brains in financial analysis and business journalism chose to run with because everybody else was running with it. Instead of its soaring land price being based on solid success, its success was a mysterious quality based on its soaring land prices and the multiplicity of forged titles that did come from the Mengo Establishment after having rained from the Ministry of Lands, Department of land registration which were manufactured by embracing all multifarious means which human ingenuity can devise and which are resorted to by one individual to get advantage over another by false

suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. This is how good Mayiga Charles Peter, Kyewalabye David Male and Kizito Bashir Juma chose to conduct themselves at the expense of the nation.

BRIEF ABOUT THE FRADULENT KINGPIN, CHARLES PETER MAYIGA

In the instant case it will be hard to believe that the above fraud was natured under the nose of Charles Peter Mayiga, a well-known and celebrated Kampala Lawyer. I recall from the observer this man presented as follows.

THE WEEKLY OBSERVER

KATIKKIRO MAYIGA: CRITICS DON'T BOTHER ME

- May 9, 2016
- Written by Yudaya Nangonzi

On May 12, Katikkiro Charles Peter Mayiga, the highest-ranking non-royal official at Bulange-Mengo, the seat of Buganda Kingdom, marks his third anniversary in the job. In a May 4 interview with Yudaya Nangonzi, the Buganda prime minister opened up about what inspires him, his challenges and future plans for the kingdom.

At three years, do you think the ettoffaali fundraiser, the completion of Masengere [commercial building at Bulange] and renovation of Kasubi tombs are the biggest success stories that define your premiership so far?

I don't think so. Those are physical things and that is why people take a lot of interest in them. For me, the renewed enthusiasm for the kingdom and the heritage in general for the Kabaka is more important. The physical things are important of course but I think there is a sense of deeper warmth for the institution today.

From political circles, religious denominations and nationalities that make up Buganda, everyone is willing to grace the Kabaka at their functions. That is more important because the kingdom is about people who are enthusiastic about what is going on. But if they look at physical things too, then yes.

But your critics say ettoffaali is a grand begging scheme Buganda shouldn't be proud of!

[Laughs] People will always have opinions on everything and no one is going to stop them. We remain focused because ettoffaali is about people. When I go out there, I am carrying messages from the Kabaka.

I tell them [people] that the Kabaka does not want them to lose hope, [he wants them to] live healthy lives, work hard, and educate their children, among other things. Secondly, the money that I raise is for these physical things like Masengere, Kasubi and Wamala tombs and BBS Terefayina that belong to all of us.

Now, how can people be tired of good things? The people who patronize social media to criticise ettoffaali are very few, by the way compared to multitudes I meet in the countryside.

Do you want to say social media critics are your biggest critics?

Such people are at liberty to say what they want because you cannot compare them to print media where you have editors. To me, I think actions speak louder than words. If you are critical of ettoffaali and it has put up Masengere, what are you saying exactly?

I was in Butambala last week and my last stop was at 9pm, Gomba 8pm and people were waiting for me with lots of cash. Then, why should I worry about some guy who has a lot of time to sit on his laptop or something and posts stuff, which is not even verified. So, every time I see these weird criticisms, I just laugh because they don't make me angry.

Speaking of cash, is Buganda's revenue base better under your reign?

Yes the revenue is better. I have raised quite a sum compared to where we came from although the figures are still small. For example, ettoffaali has raised close to Shs 10bn in two and a half years, certificate sales from gombololas raised Shs 280m last year and then we have

got partnerships from Airtel and other sponsors. Buganda Land Board and CBS [radio] have also raised some money but I feel it is still very little given the needs of the institution.

What are these needs?

Oh! The health of our people. If you hear about the health camps that we organise, they cost a lot of money. To hold a health camp [free immunization, circumcision, dental care, etc] for two or three days in a far-off place, you need like Shs 50m.

Through the Kabaka education fund, we have seen through so far more than 20,000 children across all levels of education and this must continue. We have people to pay, come up with projects and it requires a lot of money. Some people like the ministers do work in kind but the technical staff are paid.

When you got into this job, you set out to achieve five major objectives (Ensonga Ssemasonga). How much have you achieved?

Ensonga Ssemasonga crystallize what Buganda stands for. Kasubi [Tombs are] not yet completed because the mausoleum is not yet finished but the perimeter wall was done and about 37 huts were completed.

Of course, Masengere is the most beautiful building in Kampala to be built in 2015. We have now embarked on the Kabaka's lake and instituted systems of administration for the kingdom.

For me, I think strengthening these systems is more important than the Masengere building. The question is not how much you get but how efficiently you utilise what you get. This is what obwerufu [transparency] is all about. We have not travelled the entire journey but we have started on it.

What does the future look like to you?

The future is very bright. Many things have started falling into place. When I traverse the country, I am not concerned about you urban dwellers because you are few; 80 per cent of the subjects of my king are in the villages.

Two, many of you are out of touch with reality because you get consumed by what you do. In the villages, people are firmly connected with the kingdom and so critical only that their criticism differs. If you are not doing a good job, they will not receive you.

At three years, you have got your fair share of challenges; for instance, people are critical of your leadership style!

The challenges are very many. The first, is galvanizing different people with different opinions into one direction. I will give you a simple example. Some lady who can access me told me that this ettoffaali thing is about begging.

Then, two months into the project, she was back asking for Shs 20m from me from the ettoffaali money to settle some issues. But I told her I don't go with the money to my house and I don't have it. Another person, in the middle of the construction of the Kasubi tombs perimeter wall, told me that I should embark on a hospital.

When I announced that my next plan is the completion of Masengere, this person told me 'Kabaka's lake'. But Masengere is the face of the kingdom and everyone who visits the kingdom starts the journey here. It was such a contradiction to sing how great we are when there is a building that has gone for over 40 years without completion.

Others think the three years would have been used for fighting for a federal system of government. Yes, I am fighting for the federal system but I have got these other things to work on as well. Young people were asking me for jobs; so, I said, when I start all these physical things like BBS TV, and Masengere, I will be creating some jobs.

Some people, I think, were not used to a Katikkiro that works daily with people on the ground. Someone said I travel with a very long convoy of cars, which is untrue.

When I went to Gomba and Butambula, I think we used about Shs 4m or Shs 5m and we came back with Shs 86m. When I go to collect ettoffaali with members of Buganda Twezimbe, what is your problem when these people move in their big cars that they fuel with their cash? Do people want me or Guster Lule Ntake and Freeman Kiyimba to walk on foot? They pay for their hotels and meals.

Katikkiro Charles Peter Mayiga in office

But some people are concerned that when you travel abroad, you use more money than what you get.

When I went to Europe and America, I used between Shs 90m and Shs 100m and I raised Shs 400m. For the first time in Dubai, we used about Shs 10m and collected about Shs 60m. So, what is anyone's problem? Of course I travel with some contingent and we don't travel by bicycles.

That kind of criticism honestly makes me laugh. If you are being an objective person, take the trouble of knowing what I spent and what I collected. If ettoffaali was a business venture, I am up there in the scale of profits. I expect some people to be more informed but they are lazy-borns.

Talking of critics, do you think the royals have failed you too?

No way! Those issues are written by tabloids. I have travelled with Prince [Crispin] Jjunju and Princess Victoria Nkiinzi to Europe, South Africa and Swaziland. These are Kabaka's children and I relate well with Kabaka's siblings.

And the caretakers at Kasubi tombs…

If you want royalty, I have showed you where to look. People that side may be members or something but don't symbolize the royal family. Many people in Kasubi claim to

know what is supposed to be done but actually don't know. And they will hide behind all sorts of things; that is why the Kabaka had to suspend the tomb's nnaalinya and katikkiro.

Some people accuse you of being too close to the president…

I don't know those things. You should stick to questions about my term. Personally, I have a working relationship with the president and government and anyone who is going to be katikkiro needs that.

Why? The kingdom of Buganda is integral and it is good that the two leaders work together. I don't think it has any disadvantages to the kingdom. I give very non-partisan views all the time because as leader, as opposed to being an activist, my job is to primarily protect the kingdom and the Kabaka.

Government commits a lot of mistakes and violates human rights but I am neither going into a demonstration of how wrong government has been nor stifle the aspirations of the opposition. In every position, one should expect to be criticised. All I do is to listen to all these people and then do self-evaluation.

The Kabaka's subjects think the kingdom can help address their challenges of a lack of proper medical care, safe

water and biting poverty just as it is completing its multi-billion projects.

Those projects are important but extremely expensive to carry out. For a hospital, it is not about the building but the equipment. When we take coffee seedlings and banana suckers to the Kabaka's subjects, I think we are answering the poverty call. Of course poverty is rampant everywhere.

I have traversed the country and seen poverty levels that can qualify as tourist attractions in Buganda. By the way, on the local government's day due on May 28, the Kabaka is going to award the most improved young farmer within Buganda. The prize will be called Enkumbi ya Kabaka in order to motivate people.

He who loves you does not give you fish, but teaches you how to fish. And, that is what I am trying to do. I am sure at some point we shall construct a hospital but we want to move in well-measured stages

What are your future plans?

I want to contribute towards the fight against poverty especially in the rural masses. The Kabaka has invested a lot of energy and resources in fighting the communicable diseases and the kingdom must up the campaign for public hygiene. We want to contribute to vocational education and creation of jobs for the youth. We have got many plans.

Ultimately, we are going to prioritize the fight for the federal system of government.

Do you think you have done enough to deserve a second term?

When the Kabaka decides to recall an office, you have to hand it over. But, I don't want to judge myself, the public will judge me.

Your last word…

I want to encourage the people of Buganda to remain focused on the big picture and remain united. We must divert ourselves from the trivial things in order to drive Buganda ku ntikko [at the helm] where it should be politically, socially and economically strong.

For Uganda, there are still many challenges including political dissatisfaction. We need to sit down as Ugandans and to listen to each other with humility and due respect.

nangonzi@observer.ug

After reading the above what do you feel? So what exactly are the personality traits that prevail among high-level fraud offenders?

With the information given in this book from inception. The key figures behind this systematic fraud are Kyewalabye Male and Charles Peter Mayiga. Such individuals tend to be entitled (believing they should have

access to resources regardless of the impact on others), exploitative, prone to rule-breaking and Machiavellian in their attitude (where the ends justify the means). These offenders move an organization to engage collectively in fraud by employing strategies such as manipulating the 'tone at the top,' relying on unquestioned obedience from subordinates, recruiting others who share their value system, removing those who don't and punishing subordinates without cause.

Other traits include a need for power, strong convictions and high self-confidence. On the flip side, being overly sensitive to criticism, having poor listening skills and lacking empathy for others are also indicators. "These fraudsters may have illusions of infallibility, of not getting caught—which is exactly why they usually are caught,"

Universities are just starting to offer degrees on the subject of white-collar crime, mainly at the graduate level. "There's a great need for more specialists in fraud forensics," says David Friedrichs, distinguished professor of sociology, criminal justice and criminology at the University of Scranton and author of several books on the subject. He cites a new online program at Carlow University in Pittsburgh that provides a Masters in this discipline.

While the programs are growing, the ability to cultivate professionals who know both the accounting/financial and psychological sides of the equation will be crucial in collectively saving companies trillions of dollars. Current average losses to fraud, in fact, amount to 5 percent of revenues each year. If we come full circle, back to where we began this book, we revisit a silent room. Let's just stay the room doesn't remain silent for long. it's a safe bet that money will be flowing towards fraud prevention and detection, at least in these companies, quite soon. I am sure that this book will be used by many organizations to rethink the way they run their business and maintain there staff.

WorldCom's Bernard Ebbers, for one, had a reputation for being a micromanager who picked apart financial statements—and yet told investigators he didn't have enough knowledge of accounting to be aware of fraud (talk about not adding up). The words of forensic psychologist Robert Hare come to mind: "Not all psychopaths are in prison, some are in the boardroom." Hare went on to say, "There are certainly more people in the business world who would score high in the psychopathic dimension than in the general population and you'll find them in any organization where, by the nature of one's position, you have power and control over other people and the opportunity to get something."

No one makes it to the top ranks of corporate management without a healthy amount of self-assurance. Confidence underlies decisive, strong leadership, but does overconfidence lead managers to cross the line and commit fraud? "The main question is whether we can explain fraudulent behavior using knowledge about human decision making. Some fraudulent behavior is the outcome of managers putting themselves in the position where fraud is their only choice," "They didn't start out thinking they would commit fraud and they were not necessarily trying to hurt anyone, but they ended up being in a position where they felt it was the only way to get out of a bad situation."

An executive believes his firm is experiencing only a bad quarter or patch of bad luck. He also believes it is in the best interest of everyone involved — management, employees, customers, creditors and shareholders — to cover up the problem in the short term so that these constituents do not misinterpret the current poor performance as a sign of the future. In addition, he is convinced that down the road the company will make up for the current period of poor performance. It is the optimistic executive or overconfident executive who is more likely to have these beliefs.

"He may stretch the rules just a bit or engage in what you might call a 'gray area' of earnings management. But say it

turns out that he was wrong and things don't turn around as expected,". "Then he has to make up for the prior period. That requires continuing fraudulent behavior and he has to do even more in the current quarter."

Fraud is becoming increasingly prevalent — and also public. Two of the largest corporate frauds in U.S. history, Enron and WorldCom, occurred in this decade, inspiring increased attention from both the financial press and government regulators. If overconfidence is the reason, does that mean systematically biased decision makers dominate the executive ranks? "A lot of executives exhibit the characteristic of overconfidence in which their expectations are higher than what might be suggested,". "Overconfidence is a human characteristic that exists in the general population for certain types of people, and it is more prevalent in executives." Research in psychology, along with entrepreneurial and management studies, show that people who get promoted to the top levels of a corporation are typically those with enough confidence to take chances. In addition, executives are in top positions because of past successes, and these experiences can cause them to be overly confident.

Finally , I have little interest in celebrities. If I were the rule rather than the exception, Hard Copy and People would go out of business fast.

"Being responsible sometimes means pissing people off." Good leadership involves responsibility to the welfare of the group, which means that some people will get angry at your actions and decisions. It's inevitable if you're honorable. Trying to get everyone to like you is a sign of mediocrity: You'll avoid the tough decisions, you'll avoid confronting the people who need to be confronted, and you'll avoid offering differential rewards based on differential performance because some people might get upset. Ironically, by procrastinating on the difficult choices, by trying not to get anyone mad, and by treating everyone equally "nicely" regardless of their contributions, you'll simply ensure that the only people you'll wind up angering are the most creative and productive people in the organization.(Collin Powell)

"Powell's Rules for Picking People" —Look for intelligence and judgement and, most critically, a capacity to anticipate, to see around corners. Also look for loyalty, integrity, a high energy drive, a balanced ego and the drive to get things done." H ow often do our recruitment and hiring processes tap into these attributes? More often than not, we ignore them in favor of length of resume, degrees and prior titles. A string of job descriptions a recruit held yesterday seems to be more important than who one is today, what she can contribute tomorrow or how well his values mesh with those of the organization.

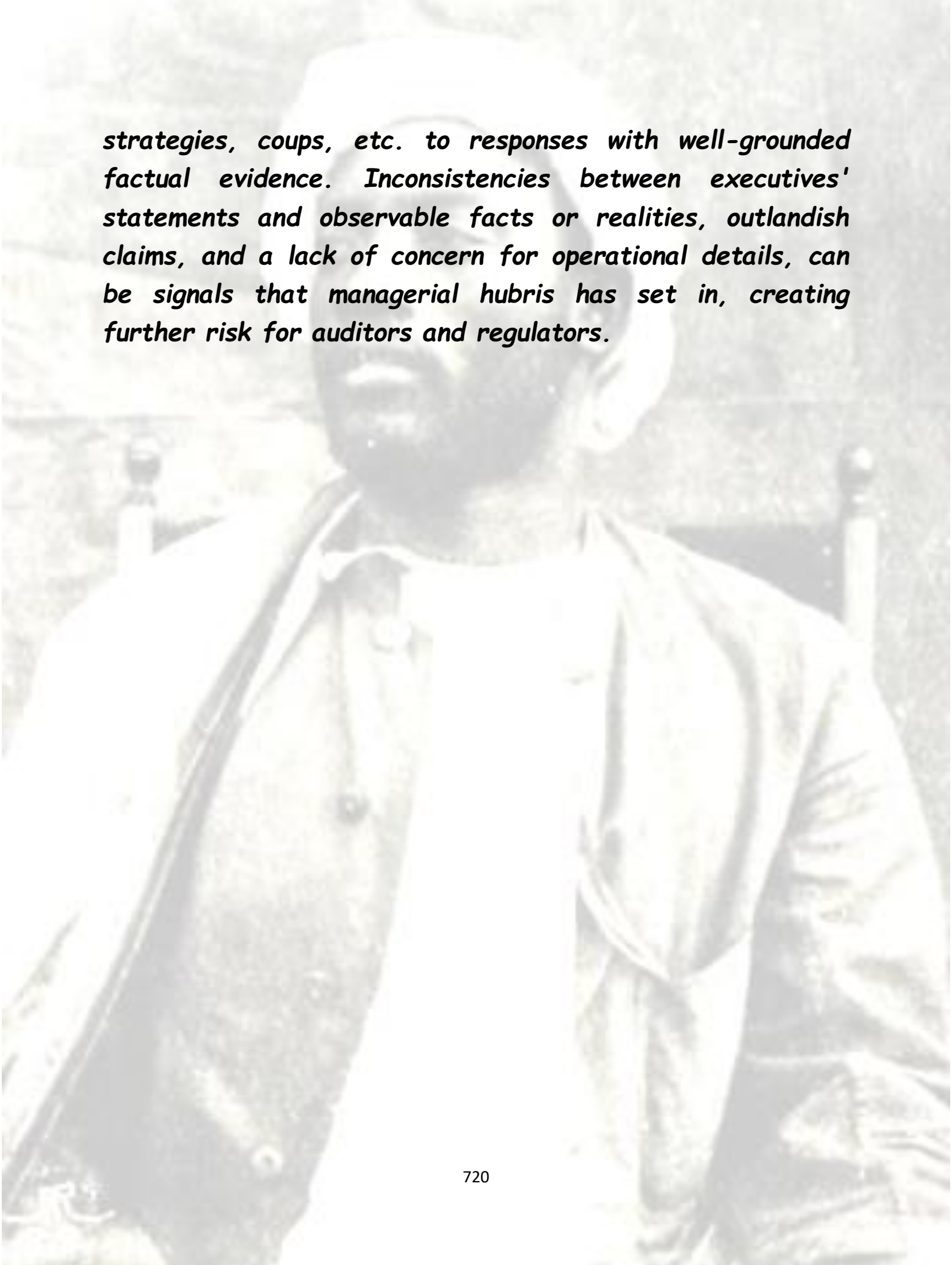
You can train a bright, willing novice in the fundamentals of your business fairly readily, but it's a lot harder to train someone to have integrity, judgement, energy, balance and the drive to get things done. Good leaders stack the deck in their favor right in the recruitment phase.

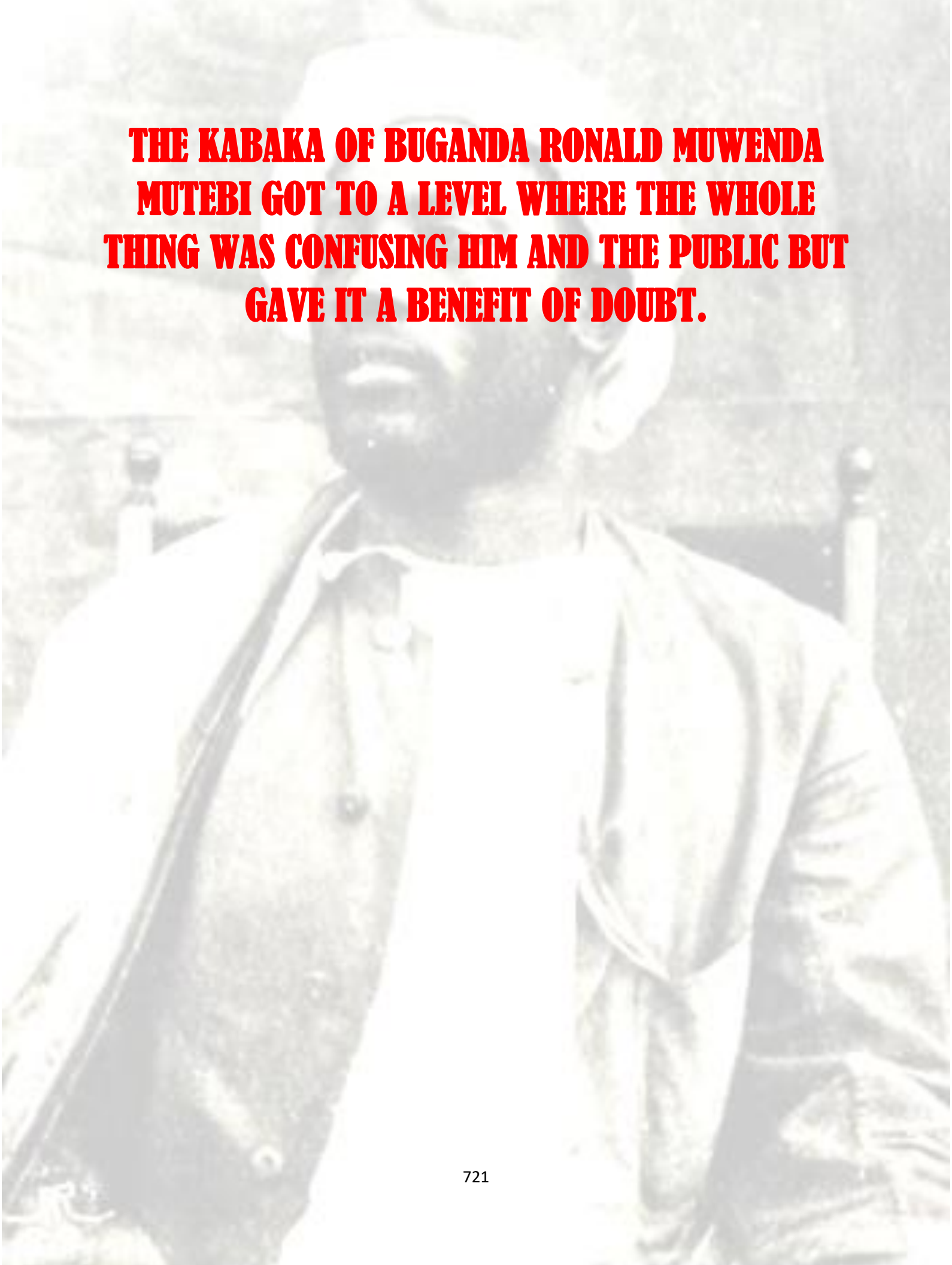
The fraud we have been privy to is majorly a result of greed, arrogance and pride. we argue that hubris -- exaggerated pride or self-confidence --constitutes a key reason why some successful executives or entrepreneurs engage in fraudulent activities. Hubris also explains why they are able to initially manoeuvre around governance, auditing or regulatory monitors. The tipping point is typically reached when media and investment community coverage of the executive becomes too fawning. Hence, managerial fraud goes beyond reflecting the rational pursuit of self-interest, a position that is put forward by most auditors or regulators.

Regulators and auditors have developed a framework of financial reporting fraud determinants, otherwise called the fraud triangle, mostly to guide their efforts in its detection. According to that framework, three major drivers, or red flags, underlie most corporate frauds: opportunity, motivation and rationalization.

Spotting managerial hubris requires comparing executives' answers to question about their plans, realizations, future

strategies, coups, etc. to responses with well-grounded factual evidence. Inconsistencies between executives' statements and observable facts or realities, outlandish claims, and a lack of concern for operational details, can be signals that managerial hubris has set in, creating further risk for auditors and regulators.





THE KABAKA OF BUGANDA RONALD MUWENDA MUTEBI GOT TO A LEVEL WHERE THE WHOLE THING WAS CONFUSING HIM AND THE PUBLIC BUT GAVE IT A BENEFIT OF DOUBT.

Daily Monitor

Kabaka directs Buganda land board to sensitize public on 'Kyapa mu ngalo' campaign

Sunday June 18 2017

Kabaka Ronald Muwenda Mutebi II waves to his ecstatic subjects during his tour of Singo county on June 17, 2017. PHOTO BY JAMES KABENGWA

By JAMES KABENGWA

Kabaka Ronald Muwenda Mutebi II has directed Buganda Land Board (BLB) to sensitise the public about the recently introduced compulsory land registration and

acquisition of leases by tenants on kingdom land commonly known as Kyapa mu ngalo(a title in your hands').

"We need to put more effort in sensitising our people on why we came up with that new land registration arrangement (Kyapa mu ngalo) so that they make the right decision," the Kabaka said. He made the remarks while addressing his subjects at St. Beatrice SS, Kyankwanzi District during his two -day visit in Singo County on Saturday (June 17, 2017).

"BLB should spearhead this(massive sensitization) and ensure that our people understand the importance of this programme," he added.This was the first time the Kabaka came out to speak about the now controversial 'Kyapa mu ngalo' arrangement ,which a section of the public, including cabinet ministers have criticized, saying it would deprive sitting tenants on kingdom land their land rights. But when launching the 'Kyapa mu ngalo' programme on April 18,2017, the Buganda Katikkiro (prime minister) Charles Peter Mayiga said Kabaka had directed that all fully registered tenants on kingdom land be issued with 49-year lease titles and advised those who have not yet registered their bibanja to do so to benefit from this programme .The six -month 'Kyapa mu ngalo.'" The programme, according to Mr Mayiga , will help soothe land disputes in the kingdom and also help tenants on Kingdom land legitimize their tenancy and be able to access

financial credits. However, Mr Mayiga later clarified that registration was not compulsory and tenants who don't see the importance of owning lease titles were free to continue paying nominal ground rent (Busuulu).

While speaking during the annual Heroes Day celebrations in Luweero District on June 9, 2017, President Museveni ordered that no sitting tenant should be forced to register their bibanja to get land titles if they don't want to. During his tour, the Kabaka also closed a health camp where he urgued men to take lead in the fight against HIV/Aids and also encouraged mothers to breastfeed their new born babies for at least two years to guarantee their good health.

editorial@ug.nationmedia.com

From the above presents it can be construed that the Person of the Kabaka of Buganda though an equity participant in the affairs of the Buganda Land Board private Limited, he is not aware of the strategic, tactical and operational tenets on which the company that was declared a fraud was run. An inquiry will need to be made to find out whether he knows anything about the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); This will be done to find out whether the management of the Buganda Land Board was making formal disclosures about

the business performance to the shareholders. We will also require obtaining minutes of the meeting to this effect fully executed as per the required mandate to prove the presents therein.

Reports that do not support the Kabaka's Knowledge about the above will reveal that management was not adequately reporting to the Kabaka of Buganda as per there legal mandate and this will imply that there was a breach in reporting as per the mandate of the company's act. If indeed the reporting was done, then it would be material for him to advise on the way forward prior to these mistakes being done.

Property rights theory asserts that long-term contractual relationships inevitably are incomplete; it never will be cost effective for parties to specify up front all future uses of productive assets.(The theory puts human assets to one side, on the ground that they cannot be bought and sold and accordingly are not among the subject matter of firm contracts. The firm thus is conceived in terms of its nonhuman assets-fixed assets, client lists, intellectual property, and contract rights. Id; Oliver Hart, An Economists Perspective on the Theory of the Firm, 89 COLUM. L. REv. 1757, 1766-73 (1989). There is no necessary conflict between this perspective and Buganda Land Board's vision of a proprietary market generated by human intelligence, unburdened by significant fixed assets.

Buganda Land Board was posing the profile of a contemporary financial institution against that of an old economy industrial. Financial institutions are built on assets just like industrials; it is just that contract rights and intangibles loom larger than physical things. Control of these rights leads to effective, if not direct, control over the human assets that make the business run. For a contrasting view of the theory of the firm, centered on human assets, see Benjamin Klein, Vertical Integration as Organizational Ownership: The Fisher Body-General Motors Relationship Revisited, 4 IL. ECON. & ORG. 199 (1988). A problem follows. Absent an exhaustive set of terms, a party to a contractual relationship may be subject to a holdup-an action by the counterparty directed to the division of the relationships ex post surplus. To the extent the relationship's structure invests counterparty with bargaining power; the holdup diverts the surplus to that counterparty. The theory accordingly directs its attention to the ex post allocation of control over assets (hence the name "property rights"). The insight is that ex post bargaining power goes to the owner of the assets, and that the allocation of asset ownership therefore powerfully impacts productive incentives ex ante.

More generally, property rights theory teaches that where two assets are sufficiently complementary and contracts respecting their deployment are sufficiently incomplete,

common control dominates over separate ownership. Extreme complementarity obtains when, as between assets separately owned by two actors, neither actor can profit from increased output of either asset unless she has access to both; that is, absent the other asset, each is useless.84 In that case, integration is the only way to produce. Contrariwise, where complementarity is not extreme, a given asset by definition can be used for different purposes. Vertically to integrate a firm owning such an asset with another firm requiring only a subset of the possible uses, is potentially to sacrifice value. Since the owner-manager of the acquired firm loses ownership rights, there is a diminished incentive to invest in the asset on the part of those responsible for deploying the assets Generalizing, as a firm's operations grow away from a core of complementary assets, there arise increasingly severe incentive problems respecting the peripheral assets. Productivity decisions at the periphery will tend to be directed in the interest of the core, a species of holdup.

This was the kind of wisdom that was and is required to manage an institution like the Buganda Kingdom given its cultural diversity and balance sheet value in terms of asset make up. Allocating it to a person with no capacity to solve multidimensional problems within a short time will render the resource portfolio to holds to risk. The aftermath therefore will be choice of strategic managers who think

running from fad to fad is the solution without no clear execution path. This has led to creating of a Human resource risk to the Kingdom which if not urgently noticed will most likely lead to its devastation en masse.

Finally, Buganda Land Board's managers, "laser-focused" on earnings as they were, had to keep an eye on its portfolio of "merchant investments." This contained many large block holdings of forged titles over peoples mailo land registered privately and they had to continue paying many individuals in form of rewards to keep quiet about the underlying fraud they did with the people at the Ministry of Lands, Department of Land Registration and Administration. Many of these positions were illiquid; hedges were either expensive or unavailable. Buganda Land Board must have accounted for these investments as trading securities. Under this treatment, unrealized increases in the Land stock' prices had flowed through to its income statement as gains. Thus had the rising land market benefited Buganda Land Board's numbers. A falling market would have the opposite effect, however.

BUGANDA LAND BOARD AN ILLEGAL ENTITY

Vide

Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);

LEGAL IMPACT OF DEALING WITH AN ILLEGAL ENTITY AND SOLUTION TO THE PROBLEM

The Buganda Land Board was previously declared an illegal entity by the Land division court in Uganda vide the evidence given below as per the ruling.

Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

LAND DIVISION

MISC. CAUSE NO. 622 OF 2013

(ARISING FROM CIVIL SUIT NO. 244 OF 2013)

BUGANDA LAND BOARD…… APPLICANT

VERSUS

JOHN

WAMPAMBA…… RESPONDENT

RULING

BEFORE HONOURABLE LADY JUSTICE EVA K. LUSWATA

This application was brought by chamber summons under Order 7 rule 11 and 19 of the Civil Procedure Rules SI 71-1 and Section 98 CPA for orders that the plaintiff's plaint be rejected and struck out for suing a non-existent party and for being misconceived, incompetent, frivolous and vexatious, bad in law as it does not disclose a cause of action and costs of the application.

The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states interalia that:-

1. ***The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.***
2. ***The applicant is a non-existing person with no capacity to sue and or be sued.***
3. ***The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.***

4. *The respondent/plaintiff has no cause of action, or at all, against the applicant.*

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his counsels' absence. The applicant applied to have the application to proceed exparte under Order 9 rule 20(1) CPR which was granted by this court.

Counsel for the applicant submitted that in paragraph 2 of the plaint, the applicant was referred to by the plaintiff/ respondent as a body corporate capable of being sued. With such averment in the plaint, the burden of proof shifted to the plaintiff to prove the proper capacity of the defendant to sue and to be sued. Section 101 of the Evidence Act Cap 6 puts the burden of proof of a fact on the one who asserts that fact. That the plaintiff in this case has to discharge this burden to the required standard. It was also argued that the applicant in paragraph 2 of the Written Statement of Defense clearly averred that it filed the Written Statement of Defense in protest as it is not aware of its legal existence but nevertheless, it was served with court process. It was contended that, the applicant has no legal capacity to sue or be sued in its name and the respondent has failed to

discharge this burden since he has not opposed the application by filing an affidavit in reply.

Counsel further submitted that a suit in a name of a non-existing plaintiff or defendant is bad in law and the same ought to be rejected by court. Counsel relied on the case of Fort Hall Bakery Supply Co. Vs. Fredrick Muigai Wangoe [1959]1 EA 474. That such a suit against a non-existent party cannot be amended to replace a party that has legal existence since there is no plaint at all. On this principle, counsel relied on the cases of Trustees of Rubaga Miracle Centre Vs. Mulangira Simbwa HCMA No. 516 of 2005 and Auto Garage vs. Motokov [1971] EA 514. A suit against a non-existent party is misconceived, incompetent and frivolous and the same ought to be dismissed, see also Justice Yorokamu Bamwine in Bagamugunda Vincent vs. UEB (in liquidation) HCCS No. 400 of 2007.

It is trite that where facts are sworn in an affidavit and the other party does not file an affidavit in rebuttal, the facts therein are presumed to have been accepted by the other party. It was held in the case of Samwiri Massa Vs. Rose Achen [1978] HCB 297 that where certain facts are sworn in an affidavit, the burden to deny them is on the other party and if he or she does not, they are presumed to have been accepted and the deponent need not raise them again. If they are disputed then he has

to defend them. In the instant case, the applicant swore an affidavit stating that it is not a body corporate. However the respondent who was alleging so(by effect of his pleadings) did no present dispute that fact as sworn by the applicant.

I have read and agree fully with the authorities relied on by the applicant. A suit instituted for or against a non-existent person is bad in law. This is an error that goes to the root of the claim and substitution of such a party with a real or corporate person cannot be permitted in law.

No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and

with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law. However, since I have found that the applicant is a non-existent person in law, they can neither receive nor pay costs. Therefore, this application succeeds without costs and likewise, the suit as against the Buganda Land Board, the 1st defendant, is dismissed with no order as to costs.

I so order. EVA K. LUSWATA

JUDGE, 20/02/2014

QUESTION

CAN A COMERCIAL TRANSACTION BE DONE WITH AN ILLEGAL ENTITY?

In circumstances where an individual deals with an organization that is illegal, then the dealing with such organization cannot be considered legal. This stems from the common law principle that illegal things are nothings and they can never be treated legal just as a result of mere passage of time. Prior to expressing opinions about the legality of a business, we will need to define simply,

the opinion on what's an organization with good standing below.

Almost all opinions pass on the corporate status of the company. Usually they state that "the company is a corporation duly organized, validly existing, and in good standing under the laws of" a stated jurisdiction. Sometimes a corporate status opinion is also given on material subsidiaries. Even when the subsidiaries are not parties to the transaction, such an opinion is of value because it conveys important assurance of the corporate group structure. When a company has many subsidiaries, there are strong practical reasons for opining only on the more important ones. The difficult question is which subsidiaries to cover. One approach is to opine on "each of [named subsidiaries] (which the company has advised us are the only subsidiaries of the Company which would be considered a 'significant subsidiary' under Rule the company's act." Halloran, Rendering Opinions of Law-Opinions in Registered Offerings, in Opinion Letters Of Counsel, supra note 1, at 18. Sometimes, in place of "is a corporation," they state that the company has been "duly incorporated and organized" or simply that it has been "duly incorporated."' Opinion recipients are concerned about a company's form of organization since it determines the formalities needed to engage in the transaction and the assets reachable in the event of a default. It is

sometimes suggested that if a company is not duly incorporated, the opinion recipient may be better off in that he may be able to reach the personal assets of the company's principals. As a practical matter, however, the parties to a transaction are not looking to a lawsuit but rather are seeking assurance that from a legal stand point the arrangements they negotiated are the ones they are getting. This is of particular concern when there are several parties to the transaction: each wants assurance that the others do not have a legal out not bargained for. Furthermore, if a company is not incorporated, creditors of its owners may be able to reach its asset. The corporate status opinion deals with the organization and structure of the company. It does not address the question of whether the company has the requisite licenses and permits to do business, or whether it is operating incompliance with law, or whether it is susceptible to "piercing the corporate veil" or other challenges to corporate attributes arising from the conduct of the business.

To opine that a company is a corporation is to opine that it has complied in all material respects with the requirements, as then in effect, for incorporation under an applicable corporation statute and that it has not subsequently ceased to exist, for example, through merger, liquidation, dissolution, the forfeiture or

suspension of its charter, or the expiration of its term of existence. Revised Model Business Corporation Act § 3.01(b) (1984). ("A corporation engaging in a business that is subject to regulation under another statute of this state may incorporate under this Act only if permitted by, and subject to all limitations of, the other statute.")The statute must be a "corporation statute": one which purports to make entities organized under its "corporations," using that word.' And the statute must be "applicable": the opinion could not be given, for example, about an entity that was ineligible for organization under the statute, as might be the case with a bank or a professional or nonprofit organization that attempted to incorporate under a general business corporation statute.' The opinion further means that government officials have taken whatever steps the statute requires as a condition to incorporation and that the corporate existence began at or prior to the date of the opinion.' The opinion does not mean that the corporation "was incorporated on the date... specified in its Initial Charter Documents," as stated in Babb, Barnes, supra note 1 (discussing the phrase "has been duly incorporated"). If the exact date matters to the recipient and it rarely will, he should ask that it be expressly stated. Normally the recipient's only concern is that the company was incorporated before the

transaction took place. The statute may contain booby traps on this latter point.

The opinion that "the company is a corporation" does not mean that the requirements for incorporation have been followed punctiliously in all respects. Minor failures to comply do not prevent the entity's being a corporation: the commentators agree that "[f]ailure to comply with a relatively inconsequential provision ... which results in no prejudice to public interest does not destroy the de jure character of a corporation." H. Henn & J. Alexander, Laws of Corporations and Other Business Enterprises § 139, at327 (3d ed. 1983). See Robertson v. Levy, 197 A.2d 443, 445 (D. Ct. App. 1964) ("[a] de jure corporation results when there has been substantial conformity with the mandatory conditions precedent (as opposed to merely directive conditions) established by the statute. A de jure corporation is not subject to direct or collateral attack either by the state in a quo warrant to proceeding or by any other person") (dictum); Noennig, The De Facto Corporation Doctrine in Montana, 39 Mont.L. Rev. 305 (1978). Inconsequential defects include misspellings, omissions of immaterial information, such as addresses, from the charter documents, and minor procedural defects in organizational meetings."° What is inconsequential, however, is not merely a function of the statutory requirement itself. The significance of a defect

also depends upon a company's history and circumstances. Such considerations might make the difference, for example, in determining whether it is inconsequential that one of the incorporators was under the requisite age. If the incorporator was only a few years short of the statutory requirement, and the company was thereafter operated for many years as a corporation with fully qualified officers and directors, it seems likely that a court would accord it full corporate status despite the defect." On the other hand, a court might deny corporate status to a company organized by a fourteen-year-old incorporator if the company had been in existence for only a short time and if the incorporator, still underage, was also the principal shareholder, sole director, and chief executive officer.

Counsel will find it easier to conclude that a defect is inconsequential if it does not relate to a step the statute makes a "condition" to incorporation and if courts in the jurisdiction of incorporation look leniently on mistakes in corporate procedures generally and organizational defects in particular-as courts increasingly have done. Ultimately, deciding what is and is not inconsequential should turn on counsel's informed judgment on whether a court, after considering all the facts and circumstances, would refuse to recognize the company as a corporation because of the defect. Some lawyers, in assessing the significance of a

defect, may also take into account the nature and size of the transaction and give an opinion more readily when challenge is unlikely and the consequences of error are not severe. Other lawyers take a more absolutist approach, noting that errors in opinions may do more harm apart from disputes over the transaction. Failure to detect, cure, or describe a corporate defect, for example, may have consequences for later transactions and may harm a law firm's reputation and the business continuity of the client or organization at hand.

Many corporation statutes contain provisions that make a certificate from a state official on the filing of charter documents evidence of incorporation.

After having become privy to the above analysis of genuinely performing company. In the case before us, we have an entity which though registered in tandem to the law of incorporation of Uganda, the prescription with in which such a corporation sole was registered did not follow the mandate legally required of it. In the case above drawn the recall that the judge ruled as per inter alia that, "……..The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the

Kabaka of Buganda. Indeed Article 246 (3) (a) of the Constitution provides that:

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It is very important to note this phrase and it was the basis of the investigation. Though the Buganda Land Board Private Limited is a corporation sole, it was not registered with in the mandate required by the Chapter 247,The Traditional Rulers (Restitution Of Assets And Properties) Act, An Act to give effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or

incidental to, or consequential upon, the foregoing whose requirements also have a leaning of the 1962 and 1967 Uganda Constitution and it should also be collaborated with the 1961 Buganda Agreement that formed the basis of the formation of the Legal Buganda Land Board and the Uganda Land Commission. A copy of the 1961 Buganda Agreement has been in put into this book for your review and consummation.

Anything that is formed without the above laws and prescriptions not followed will trickle down into the illegality we are talking about which forms the basis of the court investigations pronounced by the ruling above. Subsequently this will imply that even the transactions that are done with the impression of the Buganda Land Board will also be taint with illegality.

Some commentators state that a lawyer may opine that the company is a corporation (but not that it is duly incorporated) even if the entity is a corporation only de facto.' Jacobs, supra note 1, at 1-1; Babb, Barnes, supra note 1, at 557 n.l ("There are three forms of 'incorporation' opinions commonly requested and given: (1) The Company has been duly incorporated ... (2) The Company is duly incorporated ... (3) The Company is a corporation ...The first two mean the same thing; the third permits reliance on the de facto incorporation doctrine"). See also California Report, supra note 1, at

1032-33. This assertion fails, however, to accord sufficient weight to the needs of opinion recipients for assurance that the company is fully a corporation in the eyes of the law. De facto corporations and corporations by estoppel are by definition not de jure corporations; they are mere shadowy projections of equitable principles. Nor are de facto corporations and corporations by estoppel treated as corporations for all purposes: for example, their charters may be subject to successful challenge by the state in quo warran to proceedings; their officers, directors, and shareholders may not be shielded from liability by the corporate form; and their assets may be vulnerable to the claims of creditors of the owners. "Application of the [de facto] doctrine ... depends on the nature of the case and the fairness to the parties under the circumstances. "Opinion recipients seek assurance against just this sort of uncertainty. For example, when a bank requests an opinion that its borrower is a corporation, it wants to know not only that a court would enforce the entity's debt obligation, but also that under corporate law the entity's assets will be insulated from claims that might be brought against stockholders by their personal creditors. Accordingly, the lawyer should not opine that the company is a corporation if it is a corporation only de facto or by estoppel.

t is well settled that a bargain will not be enforced if "either its formation or its performance is criminal, tortious, or otherwise opposed to public policy." (MURPHY, CONTRACTS 559 (1963); RESTATEMENT, CONTRACTS § 512 (1932).' This "hands off" attitude toward illegal bargains (Corbin suggests that the term "illegal contract" contradicts itself, since by definition a contract is legally enforceable. 6A CORBIN, CONTRACTS § 1373 (1962). However, most courts have found it both harmless and convenient to use "illegal bargain" and "illegal contract" interchangeably.) is one of our most durable common law doctrines. Not only has it withstood the test of judicial scrutiny since time immemorial, but it has been endorsed by modern commentators as fundamentally sound. Williston has declared that any other rule would be "anomalous,"' while Corbin has praised the doctrine for its "salutary effect "in causing obedience to the law.'

Common sense suggests that a doctrine with such ancient vintage and impressive credentials should be immune from attack at this late date. However, throughout its long history the doctrine has never been immune from challenge. Its tendency to disproportionately penalize plaintiffs and unjustly enrich defendants has caused noticeable traces of uneasiness among both judges and scholars.For example, Lord Mansfield applied the rule, but he did so with an apology for its shortcomings:

The objection, that a contract is immoral or illegal as between plaintiff and defendant, sounds at all times very ill in the mouth of the defendant. it is not for his sake, however, that the objection is ever allowed; but it is founded in general principles of policy, which the defendant has the advantage of, contrary to the real justice, as between him and the plaintiff, by accident, if I may so say. The doctrine of illegality is undeniably a clumsy method of punishing wrongdoers, and it reaches a pinnacle of clumsiness when applied to a plaintiff whose only "wrong" is that he violated a minor regulatory statute. As Corbin has noted, such a petty offender has often "rendered excellent service or delivered goods of the highest quality, his noncompliance with the statute seems nearly harmless, and the real defrauder seems to be the defendant who is enriching himself at the plaintiff's expense."

In the case before us not only was the incorporation of the Buganda Land Board done illegally but also the manner in which the same entity has been forging lease titles over individual Mailo lands and selling them to the unsuspecting public actually requires that penal action be taken on this matter.

In contract law, the implied covenant of good faith and fair dealing is a general presumption that the parties to a contract will deal with each other honestly, fairly, and in

good faith, so as to not destroy the right of the other party or parties to receive the benefits of the contract. It is implied in every contract in order to reinforce the express covenants or promises of the contract. A lawsuit (or a cause of action) based upon the breach of the covenant may arise when one party to the contract attempts to claim the benefit of a technical excuse for breaching the contract, or when he or she uses specific contractual terms in isolation in order to refuse to perform his or her contractual obligations, despite the general circumstances and understandings between the parties. When a court or triar or fact interprets a contract, there is always an "implied covenant of good faith and fair dealing" in every written agreement.

In Common wealth countries law, the legal concept of implied covenant of good faith and fair dealing arose in the mid-19th century because contemporary legal interpretations of "the express contract language, interpreted strictly, appeared to grant unbridled discretion to one of the parties". (Dubroff H. (2006). The Implied Covenant of Good Faith in Contract Interpretation and Gap-filling: Reviling a Revered Relic. St. John's Law Review.) In 1933, in the case of Kirke La Shelle Company v. The Paul Armstrong Company et al. 263 N.Y. 79; 188 N.E. 163; 1933 N.Y., the New York Court of Appeals said:

In every contract there is an implied covenant that neither party shall do anything, which will have the effect of destroying or injuring the right of the other party, to receive the fruits of the contract. In other words, every contract has an implied covenant of good faith and fair dealing.

The Canadian Supreme Court whose laws are trite for application of our legal precedence created a new common law duty of honest contractual performance in 2014 in its ruling on the case of bhasin v. hrynew, 2014 SCC 71, [2014] 3 S.C.R. 494.

English private law has traditionally been averse to general clauses and has repeatedly rejected the adoption of good faith as a core concept of private law.Zimmermann, Reinhard; Whittaker, Simon (2000-06-08). Good Faith in European Contract Law. Cambridge University Press. ISBN 9780521771900.) Over the past thirty years, EU law has injected the notion of "good faith" into confined areas of English private law. (Brownsword, Roger; Hird, Norma J.; Howells, Geraint G. (1999). Good Faith in Contract: Concept and Context. Ashgate/Dartmouth. ISBN 9781855219250) The majority of these EU interventions have concerned the protection of consumers in their interactions with businesses. Only Directive 86/653/EEC on the co-ordination of the laws of the Member States relating to self-employed commercial

agents has brought "good faith" to English commercial law. Given that good faith presentations are critical in the legal framework, the same is applicable in the instant case where the combined code of corporate governance requires entities together with their employees and agents to operate with outmost good faith and the compliance with the same is required for body corporates in Uganda for which the Buganda Land Board Limited is part of and should therefore be complied with in the interest of the public. Based on the prior presents failure to comply will require the strategic management of the corporation to explain why they did not comply with this requirement.

In line with what we have had from the Chief Executive Officer for the Buganda Kingdom, Charles Peter Mayiga, the reporting of such cases to the public was very critical to enable shareholders and stakeholders make robust decisions amount there investment in the business. A reputation for ethical leadership rests upon two essential pillars: perceptions of you as both a moral person and a moral manager. The executive as amoral person is characterized in terms of individual traits such as honesty and integrity. As moral manager, the CEO is thought of as the Chief Ethics Officer of the organization, creating a strong ethics message that gets employees' attention and influences their thoughts and behaviors. Both are necessary. To be perceived as an ethical leader, it is not

enough to just be an ethical person. An executive ethical leader must also find ways to focus the organization's attention on ethics and values and to infuse the organization with principles that will guide the actions of all employees. An executive's reputation for ethical leadership maybe more important now than ever in this new organizational era where more employees are working independently, off site, and without direct supervision. In these organizations, values are the glue that can hold things together, and values must be conveyed from the top of the organization. Also, a single employee who operates outside of the organizational value system can cost the organization dearly in legal fees and can have a tremendous, sometimes irreversible impact on the organization's image and culture. In the case before us today , the strategic management of the Buganda Kingdom and the Buganda Land Board became privy of the ruling in Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);but did not make a pronouncement about the illegality. If they had been ethical as seen above, they would have prevented the kingdom reputation from becoming this taint. It has taken a team of well-wishers for the kingdom to have this pronounced so that remedial action can be taken before it is too late.

However, a reputation for ethical leadership cannot be taken for granted because most employees in large organizations do not interact with senior executives. They know them only from a distance. Any information they receive about executives gets filtered through multiple layers in the organization, with employees learning only about bare-bones decisions and outcomes, not the personal characteristics of the people behind them. In today's highly competitive 'business environment, messages about how financial goals are achieved frequently get lost in the intense focus on the bottom line. We found that just because executives know themselves as good people—honest, caring, and fair—they should not assume that others see them in the same way. It is so easy to forget that employees do not know you the way you know yourself. If employees do not think of an executive as a clearly ethical or unethical leader, they are likely to think of the leader as being somewhere in between—amoral or ethically neutral.

To the surprise of many legal analysts, Mr. Charles Peter Mayiga, the polished performer with a gentlemanly reputation who moves easily among elite corporate executives and world leaders, caught an affliction common to chief executives unaccustomed to being challenged or criticized: an inability to modify the very personality traits that got them to the top of the corporate ladder. Charles

Peter Mayiga has steadfastly refused to accept responsibility for any decision that might have contributed to the fall of Buganda Land Board. Instead, he liberally sprinkles blame on a market panic caused by short-sellers, people like Tamale Mirundi who were against the Kyapa Mungalo project from inception and members of the Royal Family who actually where able to pay for the wrath derivable from his fraudulent scheme which involved illegal disposal of their land for the gains of his shareholders and private self plus his cronies who include Kizito Bashir Juma and David Kyewalabye Male among others, and those who blame the Kyapa Mungalo fraudulent scheme. Kyapa Mungalo Scheme is a land leasing product that was caused as a result of total disregard of the legal tenets a product formed under the legitimate Buganda Land Board would have formed. Ethical rules that he had helped set up at Buganda Kingdom and its alleged subsidiaries, including the company code of conduct, somehow did not apply to him, Mr. Charles Peter Mayiga suggested. It's so absurd that Charles Peter Mayiga previously Partner of Buwule and Mayiga Company advocates, a man believed to have legal wisdom failed to rectify the illegal Buganda Land board problem and also refused to disclose the macabre to the public that would have remedied the decision. To add insult to injury he became one of the architects of the fraudulent scheme Kyapa Mungalo that led to the

establishment of leases on both private and public Mailo in total disregard of the law. The problem then became double tier; the fraudulent product was marketed under an illegal setting and will thus culminate into fraud. This will most probably culminate into lifting corporate veil from the entities that are used as special purposes vehicles that the legal shenanigans used to fleece Ugandans in what will be remembered as the most brazen systematic land fraud and grabbing scheme. Buganda Land board has become the ultimate symbol of corporate wrongdoing. Buganda Land board means greed, ethical disaster, corporate malfeasance, dishonesty, accounting fraud, and corporate governance failure. Buganda Land board is also associated with personal tragedy.

An estimated 600, and perhaps up to 1,000, jobs will definitely be lost, life savings and retirement accounts were wiped out, and billions were lost by investors and banks – but those losses are small compared to the 2018–2019 Lands and Real Estate industry implosion that will most likely have to call for a forensic audit to restate the actual land ownership, will see so many foreclosures for mortgages arising out of the presence of forged deeds and titles by the Buganda Land Board on private Mailo land ultra vires the dictates of the 1961 Buganda Agreement. There will be many indictments, convictions, and plea bargains in the government's attempts to find and blame

whoever was responsible for the downfall. A number of the Buganda Land Board employees ranging from the strategic , tactical and operational management together with their counter parts in the Department of Land Registration and Administration in the Ministry of Lands, Housing and urban development will be indicted or convicted, with just a few acquittals if any ; however, there were will also be unindicted co-conspirators which included most top managers that worked with Survey firms that had been contracted to do all the survey work that legitimized the quasi Kyapa Mungalo Titles forged over private mailo without the due consent of the Land Lords and other officials who are working in the private companies and associates of the members of the strategic team of the Buganda Land Board and the Buganda Kingdom. For the first time we will see the people who were duped by Charles Peter Mayega, Kizito Bashir and David Kyewalabye Male open up cases on them as agents in personum of the fraudulent Buganda Land Board.

Charles Peter Mayiga will be vilified by prosecutors and the media as being the key executive (Kamala Byona) in a massive fraud that destroyed jobs, savings, and shareholder wealth. But in reality, Charles Peter Mayiga was will be convicted for not being proactive in preventing the fraud or knowing about what was going on inside Buganda Land Board. He and Kyewalabye Male will be

convicted for "honest services fraud or the failure to carry out their roles in compliance with the code of corporate governance, company's act and failure to comply with the financial reporting standards reporting performance as legal required" that did not involve bribes or kickbacks involving the exchange of money. The law is will be used for alleged transgressions such as making false statements or depriving another of the intangible right of honest service. There are certainly pockets of corruption within Buganda Land Board, and ethical rule bending is a part of the mid-level management corporate culture. Charles Peter Mayiga will be convicted for allegedly not telling the truth about what was happening at Buganda Land Board. My friend Counsel Peter Mulira said, "I felt it was their duty to know what was going on." This same theme was echoed by Nalinya Beatrice Kagere heir apparent to Nalinya Nkinzi the late. "For a man that knew every aspect of that business and seemed to know every deal, why didn't he know what was going on?" he asked.

The complexity of the Buganda Land Board case illustrates the difficulty of a prosecution and the thin line between ethical and criminal conduct. Buganda Land Board used concealment of information of their poor performance from the public, connivance with the Ministry of Lands Department of Registration and Administration to forge titles and help them almost kill the original land records,

collusion in fraudulent networks, capitalizing on the consumer negligence, complex computer trading models, and the use of special purpose vehicles and window dressing to reflect the true business picture , to perpetrate the underlying fraud, and extreme risk-taking without considering the ethical dimensions of decision making or the ramifications of high-risk financial instruments on stake-holders. All of these factors have made running business more difficult and elevated the importance of ethics. The focus has become excessively fixed on the bottom line. The role of human beings utilizing experience and creative skills to predict consequences beyond the reach of quantitative models has diminished in recent decades.

Given that the Buganda Land Board is trading under a non-extant business, and fraud is involved, they will be a need to expose one of the most brazen thefts to the public for decisioning. There will be a need to lift the veil of incorporation and then each party enters his court for adjunction.

According to Peter, he had relied on lawyers, accountants, and senior executives to keep him informed of issues such as misconduct. It became apparent that he felt that he had been protected from certain knowledge that would have been beneficial and would have enabled him to engage in early correction of the misconduct. Muyanga Lutaaya, a former Buganda Kingdom media Executive, has confirmed

with us that Peter was never told about misconduct in his division but it fell on deaf ears for he would have done a soul search after having become privy to the ruling in Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); Until the end he asserted his confidence that Buganda Land Board could recover and continue its innovative business model provided it would be engineered to have legal compliance however he does not explain what the fate of people who genuinely bought Kyapa Mungalo based on his presents and those who got mortgages whose loans are most likely going to be foreclosed as a result of his connivance with the Banks representatives to sell them a fraudulent product in the form of land. He believes that the basic business model, mainly an Internet trading company, and growth patterns could sustain the business even though certain events occurred to create a scandal. He points out that many firms have had scandals, recovered from them, and have gone on to be profitable and successful. Charles Peter, David Kyewalabye Male and Kizito Bashir believe in the Buganda Land Board business model and the corporate culture that created one of the largest and most profitable real estate companies in Uganda and had tried to ensure that everyone gets a title notwithstanding the legal status per se.

As a result of the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); the management and shareholders of the Buganda Land Board will be treated to the corporate veil legal doctrine because of the reasons inter alias.

Piercing the corporate veil or lifting the corporate veil is a legal decision to treat the rights or duties of a corporation as the rights or liabilities of its shareholders. Usually a corporation is treated as a separate legal person, which is solely responsible for the debts it incurs and the sole beneficiary of the credit it is owed. Common law countries usually uphold this principle of separate personhood, but in exceptional situations may "pierce" or "lift" the corporate veil.

The corporate veil in company law is pierced very rarely. After a series of attempts by the Court of Appeal during the late 1960s and early 1970s to establish a theory of economic reality, and a doctrine of control for lifting the veil, the House of Lords reasserted an orthodox approach. According to a 1990 case at the Court of Appeal, Adams v Cape Industries plc, the only true "veil piercing" may take place when a company is set up for fraudulent purposes, or where it is established to avoid an existing obligation.(Adams v Cape Industries plc [1990] Ch 433 is the leading UK company law case on separate legal personality and

limited liability of shareholders. The case also addressed long-standing issues under the English conflict of laws as to when a company would be resident in a foreign jurisdiction such that the English courts would recognize the foreign court's jurisdiction over the company. The decision's significance has been limited by the House of Lords decision in Lubbe v Cape plc and the groundbreaking decision in Chandler v Cape plc, holding that a direct duty may be owed in tort by a parent company to a person injured by a subsidiary.)

The veil is also often ignored in the process of interpreting a statute, (Daimler v Continental Tyre and Re FG Films Ltd) and as a matter of tort law it is open as a matter of authority that a direct duty of care may be owed by the managers of a parent company to accident victims of a subsidiary which makes the Charles Peter Mayiga legally liable and the other laws that we will apply are the company law and the combined code of corporate gorvernance. (e.g. Lubbe v Cape Plc) There are also significant statements still among the judiciary in support of a broader veil lifting approach in the interests of "justice".

The issue is discussed at length in a 2013 UK Supreme Court case, Prest v Petrodel Resources Ltd. (Prest v Petrodel Resources Ltd [2013] UKSC 34, [2013] 2 AC 415) is a leading UK company law decision of the UK Supreme

Court concerning the nature of the doctrine of piercing the corporate veil, resulting trusts and equitable proprietary remedies in the context of English family law.

Facts

Ms. Yasmin Prest claimed under Matrimonial Causes Act 1973 sections 23 and 24 for ancillary relief against the offshore companies solely owned by Mr Michael Prest. Mrs. Prest said they held legal title to properties that he beneficially owned, including a £4m house at 16 Warwick Avenue, London. They had married in 1993 and divorced in 2008. He did not comply with orders for full and frank disclosure of his financial position, and the companies did not file a defence. The Matrimonial Causes Act 1973 section 24 required that for a court to be able to order a transfer a property, Mr Prest had to be 'entitled' to the properties held by his companies. Mr Prest contended that he was not entitled to the properties.

Moylan J, in the Family Division of the High Court, held that Mr Prest had the ability to transfer the properties in practice, so he was "entitled" to them under MCA 1973 s 24(1)(a). The court therefore had jurisdiction to make a transfer order. He ordered Mr Prest to transfer to the wife six properties and an interest in a seventh which were held in the name of two of the husband's companies. He rejected the husband had done anything improper relating

to the companies to allow piercing the corporate veil. But under MCA 1973 s 24(1)(a) ancillary relief was wider. Because Mr Prest's properties were worth £37.5 million, Mrs Prest's fair award was valued at £17.5m. In reviewing the law as it relates to piercing the corporate veil, he noted the following principles:

- Ownership and control were not in themselves sufficient to pierce the corporate veil.
- Even where there was no unconnected third party interest the veil could not be pierced only because it is necessary in the interests of justice.
- The veil can only be pierced if there is impropriety.
- The impropriety must be linked to the use of the company structure to avoid or conceal liability.
- In order to pierce the veil, both control by the wrongdoer and impropriety must be demonstrated.
- A company may be a façade even though originally incorporated without deceptive intent.

In that regard, he found that piercing was justified, not under the general principles, but by virtue of the Act. The husband's properties were worth approximately £37.5 million, and therefore the wife's fair award was valued at £17.5 million.

The Court of Appeal, with Rimer LJ and Patten LJ in the majority, allowed an appeal by the companies. The Family Division's practice of treating the assets of companies substantially owned by one party to the marriage as available for distribution under MCA 1973 section 24(1)(a) was beyond the jurisdiction of the court unless the corporate personality of the company was being abused. The corporate form needed to be used for an improper purpose, or it had to be shown that the companies held the properties on trust for Mr Prest. Because Munby J had rejected these possibilities in Ben Hashem v Al Shayif his order must have been incorrect. In the majority's view, this conflicted with Salomon v A Salomon & Co Ltd as affirmed in Woolfson v Strathclyde Regional Council and Adams v Cape Industries plc. Patten LJ commented on other Family Division cases leading to similar results.

161. [...] They have led judges of the Family Division to adopt and develop an approach to company owned assets in ancillary relief applications which amounts almost to a separate system of legal rules unaffected by the relevant principles of English property and company law. That must now cease.

Thorpe LJ (a former judge of the Family Division) dissented, and said the following.

In this case the reality is plain. So long as the marriage lasted, the husband's companies were milked to provide him and his family with an extravagant lifestyle. That was only possible because the companies were wholly owned and controlled by the husband and there were no third party interests. Of course in so operating them husband ignored all company law requirements and checks. Once the marriage broke down, the husband resorted to an array of strategies, of varying degrees of ingenuity and dishonesty, in order to deprive his wife of her accustomed affluence. Amongst them is his invocation of company law measures in an endeavor to achieve his irresponsible and selfish ends. If the law permits him so to do it defeats the Family Division judge's overriding duty to achieve a fair result.

The Supreme Court unanimously overturned the Court of Appeal and held that Mr Prest beneficially owned the assets of the Petrodel Resources Ltd companies under a resulting trust because he contributed to their purchase price. There was no need to pierce the corporate veil, which could only be done in limited situations. However, because Mr Prest had been "entitled" to the assets of his companies under a resulting trust, under the Matrimonial Causes Act 1973 section 24 the court had jurisdiction to transfer half the value of the properties to Mrs Prest.

Lord Sumption gave the first judgment. He said there was only a limited power to pierce the corporate veil, namely

when people were under an existing legal obligation which is deliberately evaded. Fraud cuts through everything. A veil could be pierced only for the purpose of depriving the company or its controller of the advantage they would otherwise obtain from the company's separate legal personality. There had been no evidence that Mr Prest had set up the companies to avoid any obligations in these divorce proceedings, so there was no ground for piercing the corporate veil. The same was true under the MCA 1973 s 24. This did invoke property concepts with established meanings, and did not mean something different in matrimonial proceedings. If someone did try to frustrate a claim, the MCA 1973 section 37 made provision for setting aside certain dispositions. The jurisdiction that Munby J purported to recognise would, however, cut across the statutory schemes of company and insolvency law that protected people dealing with a company. So, MCA 1973 section 24 did not give judges power to order Mr Prest to transfer property that he was not entitled to in law. However, on the facts, the Petrodel Resources Ltd companies could be ordered to transfer the properties under MCA 1973 section 24 because they belonged to him beneficially: under a resulting trust. The evidence was obscure, but this was because of Mr Prest's obstruction and mendacity. He said the following.

Piercing the corporate veil

I should first of all draw attention to the limited sense in which this issue arises at all. "Piercing the corporate veil" is an expression rather indiscriminately used to describe a number of different things. Properly speaking, it means disregarding the separate personality of the company. There is a range of situations in which the law attributes the acts or property of a company to those who control it, without disregarding its separate legal personality. The controller may be personally liable, generally in addition to the company, for something that he has done as its agent or as a joint actor. Property legally vested in a company may belong beneficially to the controller, if the arrangements in relation to the property are such as to make the company its controller's nominee or trustee for that purpose. For specific statutory purposes, a company's legal responsibility may be engaged by the acts or business of an associated company. Examples are the provisions of the Companies Acts governing group accounts or the rules governing infringements of competition law by "firms", which may include groups of companies conducting the relevant business as an economic unit. Equitable remedies, such as an injunction or specific performance may be available to compel the controller whose personal legal responsibility is engaged to exercise his control in a particular way. But when we speak of piercing the corporate veil, we are not

(or should not be) speaking of any of these situations, but only of those cases which are true exceptions to the rule in Salomon v A Salomon & Co Ltd, i.e. where a person who owns and controls a company is said in certain circumstances to be identified with it in law by virtue of that ownership and control.

Most advanced legal systems recognize corporate legal personality while acknowledging some limits to its logical implications. In civil law jurisdictions, the juridical basis of the exceptions is generally the concept of abuse of rights, to which the International Court of Justice was referring in In re Barcelona Traction, Light and Power Co Ltd when it derived from municipal law a limited principle permitting the piercing of the corporate veil in cases of misuse, fraud, malfeasance or evasion of legal obligations. These examples illustrate the breadth, at least as a matter of legal theory, of the concept of abuse of rights, which extends not just to the illegal and improper invocation of a right but to its use for some purpose collateral to that for which it exists.

English law has no general doctrine of this kind. But it has a variety of specific principles which achieve the same result in some cases. One of these principles is that the law defines the incidents of most legal relationships between persons (natural or artificial) on the fundamental assumption that their dealings are honest. The same legal

incidents will not necessarily apply if they are not. The principle was stated in its most absolute form by Denning LJ in a famous dictum in Lazarus Estates Ltd v Beasley:([1956] 1 QB 702, 712)

"No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever…"

The principle is mainly familiar in the context of contracts and other consensual arrangements, in which the effect of fraud is to vitiate consent so that the transaction becomes voidable ab initio. But it has been applied altogether more generally, in cases which can be rationalized only on grounds of public policy, for example to justify setting aside a public act such as a judgment, which is in no sense consensual, a jurisdiction which has existed since at least 1775. (Duchess of Kingston's Case (1776) 1 Leach 146, 168 ER) Or to abrogate a right derived from a legal status, such as marriage. (R v Secretary of State for the Home Department, Ex p Puttick [1981] QB 76) Or to display a statutory time bar which on the face of the statute applies. (Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government

[2011] 2 AC 304).These decisions (and there are others) illustrate a broader principle governing cases in which the benefit of some apparently absolute legal principle has been obtained by dishonesty. The authorities show that there are limited circumstances in which the law treats the use of a company as a means of evading the law as dishonest for this purpose.

Lord Neuberger emphasized that piercing the corporate veil should be the last resort. He noted that in other Commonwealth countries there was also little consensus.([2013] UKSC 34, [75]) In Australia, "there is no common, unifying principle, which underlies the occasional decision of courts to pierce the corporate veil", and that "there is no principled approach to be derived from the authorities". (Briggs v James Hardie & Co Pty Ltd, (1989) 16 NSWLR 549, 567) In Canada, "[t]he law on when a court may … '[lift] the corporate veil' … follows no consistent principle". (Kosmopoulos v. Constitution Insurance Co. 1987 CanLII 75 at par. 12, [1987] 1 SCR 2 (29 January 1987) In New Zealand, "'to lift the corporate veil' … is not a principle. It describes the process, but provides no guidance as to when it can be used."[(Attorney-General v Equiticorp Industries Group Ltd (In Statutory Management), [1996] 1 NZLR 528, 541) In South Africa, "[t]he law is far from settled with regard to the circumstances in which it would be permissible to pierce the corporate veil". (Cape Pacific

Ltd v Lubner Controlling Investments (Pty) Ltd and Others [1995] ZASCA 53 at pp. 802–803, 1995 (4) SA 790 (AD) (19 May 1995), Supreme Court of Appeal *(South Africa)* Similar confusion was also noted in US corporate law and in academic reviews. In conclusion he said the following.

It is only right to acknowledge that this limited doctrine may not, on analysis, be limited to piercing the corporate veil. However, there are three points to be made about that formulation. In so far as it is based on "fraud unravels everything", as discussed by Lord Sumption in para 18, the formulation simply involves the invocation of a well-established principle, which exists independently of the doctrine. In any event, the formulation is not, on analysis, a statement about piercing the corporate veil at all. Thus, it would presumably apply equally to a person who transfers assets to a spouse or civil partner, rather than to a company. Further, at least in some cases where it may be relied on, it could probably be analyzed as being based on agency or trusteeship especially in the light of the words "under his control". However, if either or both those points were correct, it would not undermine Lord Sumption's characterization of the doctrine: it would, if anything, serve to confirm the existence of the doctrine, albeit as an aspect of a more conventional principle. And if the formulation is intended to go wider than the application of "fraud unravels everything", it seems to me questionable

whether it would be right for the court to take the course of arrogating to itself the right to step in and undo transactions, save where there is a well-established and principled ground for doing so. Such a course is, I would have thought, at least normally, a matter for the legislature....

Lady Hale gave a judgment concurring in the result, with which Lord Wilson reed, though added a qualification to ***Lord Sumption's*** *decision.*

I am not sure whether it is possible to classify all of the cases in which the courts have been or should be prepared to disregard the separate legal personality of a company neatly into cases of either concealment or evasion. They may simply be examples of the principle that the individuals who operate limited companies should not be allowed to take unconscionable advantage of the people with whom they do business. But what the cases do have in common is that the separate legal personality is being disregarded in order to obtain a remedy against someone other than the company in respect of a liability which would otherwise be that of the company alone (if it existed at all). In the converse case, where it is sought to convert the personal liability of the owner or controller into a liability of the company, it is usually more appropriate to rely upon the concepts of agency and of the "directing mind".

What we have in this case is a desire to disregard the separate legal personality of the companies in order to impose upon the companies a liability which can only be that of the husband personally. This is not a liability under the general law, for example for breach of contract. It is a very specific statutory power to order one spouse to transfer property to which he is legally entitled to the other spouse. The argument is that that is a power which can, because the husband owns and controls these companies, be exercised against the companies themselves. I find it difficult to understand how that can be done unless the company is a mere nominee holding the property on trust for the husband, as we have found to be the case with the properties in issue here. I would be surprised if that were not often the case.

Lord Mance emphasized that future possible situations where the veil could be pierced should not be foreclosed.

Lord Clarke concurred. He agreed that Munby J in (Ben Hashem v Al Shayif [2009] 1 FLR 115, para 164) was correct that the veil could only be pierced where all other possibilities were exhausted. Also as he said in (VTB Capital plc v Nutritek International Corp [2013] 2 WLR 398) it is wrong to foreclose all future possibilities of piercing the veil.

Lord Walker said he welcomed "the full discussion in the judgments of Lord Neuberger, Lady Hale, Lord Mance and Lord Sumption" and concluded with the following.

... for my part I consider that 'piercing the corporate veil' is not a doctrine at all... It is simply a label... to describe the disparate occasions on which some rule of law produces apparent exceptions to the principle of the separate juristic personality of a body corporate... These may result from a statutory provision, or from joint liability in tort, or from the law of unjust enrichment, or from principles of equity and the law of trusts

Indeed in the case before us, the Group Chief Executive Officer of the Buganda Kingdom, Charles Peter Mayiga, The Buganda Land Board Chief Executive Officer, Kyewalabye Male and the Head of Research and Survey were aware that the special purposes vehicle that they were using to sale Kyapa Mungalo was indeed a legal nullity as decided in the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); but went ahead to use it as a tool that will sell the product Kyapa Mungalo Leases that they had designed. Further still the above not withstanding some of the Kyapa Mungalo being issued where illegally issued on private Mailo land without the consent of the landlords who are the registered owners vide Effect 68 of the Registration of titles act and in

order to conceal identity and with an intention to defraud connived with the Ministry of Lands Registration and Administration to issue the leases upon request that was given by their consent as the agent. In reviewing the law as it relates to piercing the corporate veil, Moylan J, in the Family Division of the High Court in the case of YP v MP [2011] EWHC 2956 (Fam) (4 October 2011) and (Hashem v Shayif & Anor [2008] EWHC 2380 (Fam) at para. 159–164, [2009] 1 FLR 115, [2008] Fam Law 1179 (22 September 2008) noted the following principles: The veil can only be pierced if there is impropriety. The impropriety must be linked to the use of the company structure to avoid or conceal liability. In order to pierce the veil, both control by the wrongdoer and impropriety must be demonstrated. A company may be a façade even though originally incorporated without deceptive intent and indeed Charles Peter Mayiga, David Kyewalabye Male and Kizito Bashir among others qualify for the above to have themselves personally explain the charges that they have committed in the Kyapa Mungalo scheme fraudulently against the unsuspecting people of Uganda and the People of the Royal family they have cheated.

In deed in the formulation of leases in Kyapa Mungalo on private mailo land which includes the lease that was given to Picfare Industries Limited over block 269 wakiso for the land registered in the Yusufu Kiwewa Suuna

(Omulangila) among others by the Buganda Land Board Limited was not only irregular and illegal . The Buganda Land Board not withstanding that its illegal as per the legal ruling we so prior did enter a contract to lease this portion of land to the aforementioned person who also went ahead to use his title to give condominium titles over the same hence multiplying the illegality. The Person of Kyewalabye Male, Charles Peter Mayiga, Kizito Bashir Juma will want us to believe that the entity never existed and so there is no way a ruling can be done against a legal nullity. However they received people's money for the forged titles under leases over a brand driven by them under an entity that is a legal nullity. We therefore pray to the Judiciary to lift the veil and the architects of fraud be brought to book for the offences committed.

"[I]t is well settled that, [t]o establish a cause of action for fraud, plaintiff[s] must demonstrate that defendant[s] knowingly misrepresented a material fact upon which plaintiff[s] justifiably relied and which caused plaintiff[s] to sustain damages" (Sample v Yokel, 94 AD3d 1413, 1415). The private mailo owners of the land on Block 269 Wakiso on which David Kyewalabye Male, Charles Peter Mayiga ,Kizito Bashir Juma among others established as a matter of law that, as the prior seller, they do have a relationship with the people to whom they sold Kyapa Mungalo over this Mailo land who also include non but the

close persons of the Katikkiro Charles Peter Mayiga at Lobowa, did make statements or representations to Kyapa Mungalo beneficiaries over this land and therefore did induce any reliance on the part of holders of Kyapa Mungalo over block 269 over the land in Wakiso. The landlord of Block 269 and the people who were cheated as a result of the Buganda Land Board presents and titling using Kyapa Mungalo raise an issue of fact (see generally Zuckerman v City of New York, 49 NY2d 557, 562). Furthermore we conclude that Kyewalabye Male, Charles Peter Mayiga ,Kizito Bashir Juma among others established as a matter of law that they did aid and assist the fraudulent Buganda Land Board in perpetrating a fraud upon the Beneficiaries of Kyapa Mungalo Curved out of private Mailo land on Block 269 Land at Wakiso among others.

"The elements of a cause of action alleging aiding and abetting fraud are an underlying fraud, Kyewalabye Male, Charles Peter Mayiga, Kizito Bashir Juma among others knowledge of this fraud, and Kyewalabye Male, Charles Peter Mayiga,Kizito Bashir Juma among others' substantial assistance in the achievement of the fraud" (Ginsburg Dev. Cos., LLC v Carbone, 134 AD3d 890, 894 [internal quotation marks omitted]). Here, there is record evidence that Kyewalabye Male, Charles Peter Mayiga ,Kizito Bashir Juma among others had "actual knowledge" of any

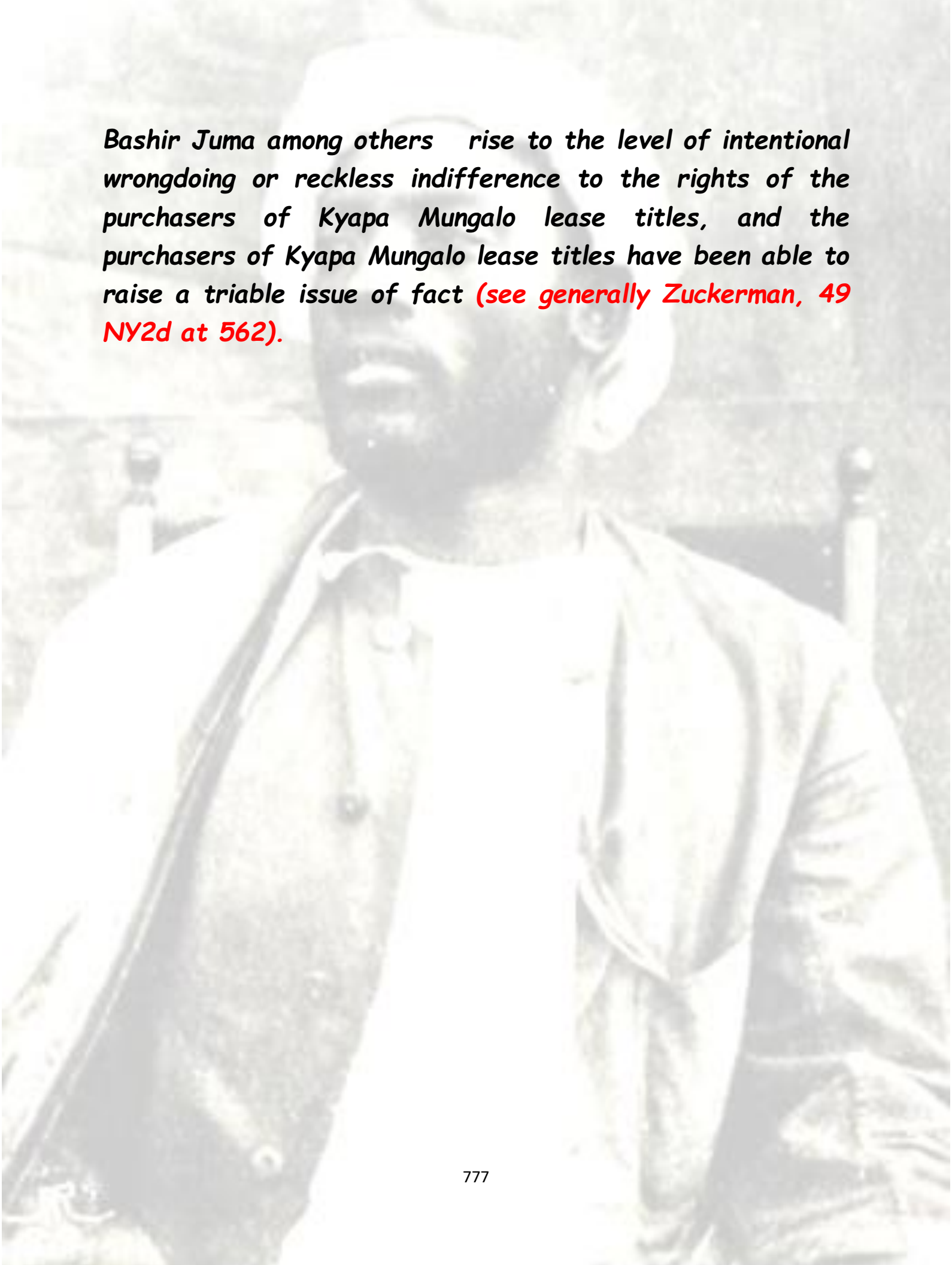
purported fraud between the Buganda Land Board private limited and the people they served the Kyapa Mungalo that is forged over private mailo land that has been mentioned ab innitio, and there is evidence that the Kyewalabye Male, Charles Peter Mayiga ,Kizito Bashir Juma among others provided any substantial assistance in the achievement of any fraud (Decana Inc. v Contogouris, 55 AD3d 325, 326, lv dismissed 11 NY3d 920).

Disclosure is based on the seller's actual knowledge of a defect or condition affecting the property at the time the seller signs the disclosure . . . While false representation in a disclosure statement may constitute active concealment in the context of fraudulent nondisclosure . . . , to maintain such a cause of action, the buyer must show, in effect, that the seller thwarted the buyer's efforts to fulfill the buyer's responsibilities fixed by the doctrine of caveat emptor" (Klafehn v Morrison, 75 AD3d 808, 810 [internal quotation marks omitted]). Indeed Kyewalabye Male, Charles Peter Mayiga, Kizito Bashir Juma among others concealed all this information from the people who did buy the Kyapa Mungalo leases. They did not only conceal the information but connived with the officials of the Ministry of Lands, Department of Land Registration and Administration who distorted the original land records and also aided to make the forged titles that are done over the private Mailo land to be input into the

computerized land titling system. The Ministry of Land, Department of Land Registration aided in the concealment of the fraud with their partners of the Buganda Land Board aforementioned and they also perpetrated the fraud by forging the titles that are even presently being sold by the Buganda Land Board.

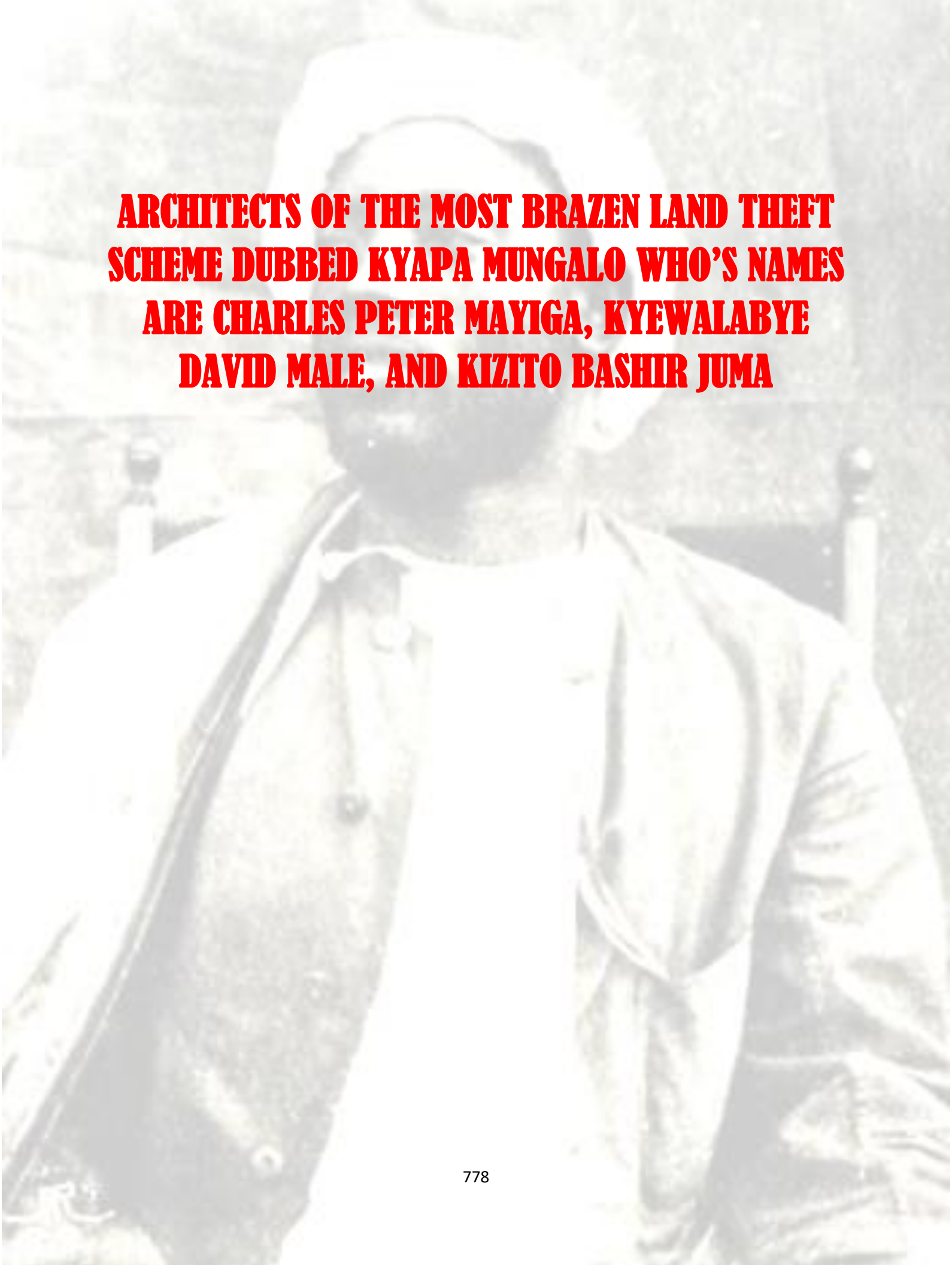
As for the purchasers of Kyapa Mungalo lease titles that have been forged over private Mailo land like we have seen in the case of Block 269 gross negligence claim against Kyewalabye Male, Charles Peter Mayiga, Kizito Bashir Juma among others, it is well established that, "[t]o constitute gross negligence, a party's conduct must smack of intentional wrongdoing or evince[] a reckless indifference to the rights of others . . . Stated differently, a party is grossly negligent when it fails to exercise even slight care . . . or slight diligence" (Ryan v IM Kapco, Inc., 88 AD3d 682, 683 [internal quotation marks omitted]).

Here, the purchasers of Kyapa Mungalo lease titles ' complaint do allege intentional and/or reckless acts on the part of Kyewalabye Male, Charles Peter Mayiga, Kizito Bashir Juma among others. In any event, the purchasers of Kyapa Mungalo lease titles satisfied their initial burden by establishing that they did actively conceal defect or have actual knowledge of any defect, and therefore the conduct of Kyewalabye Male, Charles Peter Mayiga, Kizito



Bashir Juma among others rise to the level of intentional wrongdoing or reckless indifference to the rights of the purchasers of Kyapa Mungalo lease titles, and the purchasers of Kyapa Mungalo lease titles have been able to raise a triable issue of fact (see generally Zuckerman, 49 NY2d at 562).

ARCHITECTS OF THE MOST BRAZEN LAND THEFT SCHEME DUBBED KYAPA MUNGALO WHO'S NAMES ARE CHARLES PETER MAYIGA, KYEWALABYE DAVID MALE, AND KIZITO BASHIR JUMA



CHARLES PETER MAYIGA

Charles Peter Mayiga

Within every person is an innate desire to go beyond making a living to make a difference. We should all seek meaning and purpose in what we do but can a career also be a calling? Can we do well and also do good? Do nice people always come last? Are most rich and successful people crooked in some way? Can an organization's culture go beyond the posters espousing mission, vision and values; to instead be the living behaviors of the leaders, cascading down throughout the entire enterprise?

Charles Peter Mayiga (born 1962) is a Ugandan lawyer, cultural leader and author. He is the current Katikkiro (Prime Minister) in the government of Buganda, a

constitutional monarchy in present-day Uganda. He was appointed to that position by the reigning Kabaka of Buganda, His Majesty Muwenda Mutebi II of Buganda, in May 2013, replacing Engineer John Baptist Walusimbi.

Charles Peter Mayiga was born in Kasanje village, Kabonera Parish, Masaka District, Central Uganda. His parents are Ssaalongo Cyprian Mukasa and Nnaalongo Rebecca Kyese Mukasa. He attended Butale Primary School and Nkoni Primary School. For his O-Level education, he attended St. Henry's College Kitovu. Later, he studied at St. Mary's College Kisubi for his A-Levels. He holds the degree of Bachelor of Laws (LLB), from Makerere University, Uganda's oldest and largest public university. He also holds a Diploma in Legal Practice, obtained from the Law Development Center, in Kampala Uganda's capital city.

Charles Peter Mayiga

Mayiga is a law partner in the company Buwule and Mayiga Company Advocates, based in Kampala, Uganda's capital and largest city. He has been married to Margaret Mayiga, an alumnus of Trinity College Nabbingo, since 1987. He is the author of a book titled King on the Throne, which chronicles the first 16 years (1993–2009) of the reign of His Majesty Muwenda Mutebi II of Buganda. Mayiga has also authored Buganda ku Ntikko, a book in Luganda that states the five key kingdom aspirations. This book was published on 29 May 2013, the very day he was handed the instruments of power. In 2017, Mayiga released his third book, titled Uganda:7-Key Transformation Idea, which details seven ideas that can help Third World countries develop.

Starting in 1987, Mayiga has been working closely with the elders of the Kingdom of Buganda, sharpening his knowledge and understanding of the customs and traditions of Buganda.

Charles Peter Mayiga , The Man in spects

On 4 July 1991, while preparing for the restoration of the Kingdom of Buganda, Mayiga was appointed to become the Secretary of the Council of Elders, responsible for organizing the cultural restoration. This title changed to Secretary to the Lukiiko (Parliament of Buganda), following the restoration of the Monarchy. When the Kingdom was restored in 1993, Mayiga was appointed Buganda's Minister of Information & Official Spokesman for the Kingdom. He served in that capacity until he was appointed Katikkiro of Buganda in May 2013.

Prior to his appointment as Katikkiro, Mayiga had turned down at least two opportunities to run for elective public office in the Central Ugandan government.

Charles Peter Mayiga indicates that he had publicly expressed concerns before employees that the only way that Buganda Land Board could fail was to become over confident or too "prideful." He commented on having young, aggressive highly educated employees that were reinventing the rules of the energy industry, with the average age of employees at only 35. Young man-agers are bending rules and inventing new rules related to real estate trading and distribution. He said they probably needed more gray hairs to provide balance. He indicated that many young employees at Buganda Land Board were inexperienced. His concern was that many employees felt invincible, and he often indicated in closed meetings that "the only way we can fail is to kill ourselves." During the course of our interviews Charles Peter Mayiga made the following statements (but we cannot verify these statements as accurate).

Charles Peter Mayiga

He does not hold the board, lawyers, and accountants responsible, but did indicate that they approved all of his decisions. •Off-the-balance-sheet partnerships were legal and approved by lawyers and accountants. •Buganda Land Board failed because of failure to properly conceptualize the law within which it was supposed to perform, total disregard of the advice that was given by the whistle blowers, the fraudulent dealings with the Ministry of Lands Officials department of Registration and Administration to aid the formation of Kyapa Mungalo leases over private Mailo land ultra vires the law, the uncovering of the Kizito Juma Bashir conflict of interest issues related to off-the-balance-sheet partnerships (fraud) that involve the masterminding and provision of survey services for the Buganda Land Board on private

mailo land without the consent of the land lords, complaints raised by the Members of the Royal Family who always questioned the manner and criteria that Buganda Land Board was using to do Mutates over there land without their consent as we have seen in the case of Kalemera v The Kabaka of Buganda & Anor (MISC. APPLICATION NO. 1086 OF 2017) [2017] UGHCLD 10 (10 August 2017); and articles about the fraud, and short sellers who drove the land price down even further. Once the family of Yusuf Suuna Kiwewa stopped the Chinese from building on the sanctity places at Mutungo Kigo and resistance barring them was received from a number of land grabbers working with the Buganda Land Board in tandem, this was time between the royal family and the Buganda Land Boys that was ignited nonstop in the Ugandan Real Estate Market.

The whole saga was unleashed with the resistance brought about by the Media Guru Tamale Mirundi who insisted that Kyapa Mungalo over Mailo land that was initially held by individuals but registered by law under the different land lords and not necessarily the Kabaka of Buganda was the most brazen theft he had ever experienced in a life time its only equivalent being the Kenneth Lay Enron saga. This whole macabre was crowned by the ruling in the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);

Charles Peter Mayiga

Further complaints were brought to light by the Honorable Joyce Mpanga of Buganda who questioned how the Chief Executive Officer of the Buganda Kingdom had tailored a plan to dispose off some land as detailed in the articles below.

Source<https://www.bugandawatch.com/2017/02/11/how-mrs-joyce-mpanga-put-a-roadblock-in-mayigas-plan-to-lease-kabakas-palace-to-fake-investors/

Feb 11, 2017

When he entered the January 30, 2017 session of Buganda Lukiiko, Katikkiro Mayiga seemed confident that members would rubberstamp his plans to lease the 132 year old national and cultural palace of the Kabaka of Buganda (Mengo Lubiri) to foreigners. He spent over an hour of reverse psychology, giving examples of how "naturally short-sighted Baganda" fail to appreciate any Katikkiro who introduces modernity to Buganda. At the end, Mr. Mayiga confidently declared that, ultimately, nothing will stop his plans. However, his confidence seemed to evaporate when one Mrs. Joyce Mpanga got the microphone.

In his marathon speech, Mr. Mayiga made a few highly contradictory statements that may have disturbed Mrs. Joyce Mpanga. For example, as usual, Mayiga claimed that Kabaka Mutebi made the decision to lease Mengo Lubiri but, sensing negative reception, he later changed to, "The decision to re-develop Lubiri was made by the Bataka Supreme Council at the time government returned it." Also, he aggressively defended construction of a hospital and conference facilities in Lubiri but later insisted that everything presented by Mengo so far were just concepts, not real plans. He blamed the press for saying that the project photos that Mengo distributed in Serena Hotel or on its Facebook page were real plans. He explained, "Those picture were just images downloaded from the Internet; one was, I think, the American white house."

After Mayiga finished his long speech, one of the most intelligent, well-educated and knowledgeable Baganda alive, Mrs. Joyce Mpanga, threw down a "roadblock" against his scheme. When she got a chance to respond to Mr. Mayiga's speech, Mpanga systematically, and with some humor, explained why the Katikkiro's plans for Mengo Lubiri were poorly reasoned, not well informed by Buganda history or culture and are dangerous, even to Kabaka Mutebi's reign.

In his speech, Mr. Mayiga had spoken in the style of a non-Muganda when he said, "I can never understand Baganda" and claimed that Baganda are short-sighted because they opposed former Katikkiros Kawalya Kaggwa "for bringing electricity" and "killed Martin Nsibirwa for donating Buganda land for the now glorious Makerere University". He even claimed that the same short-sighted Baganda complained when Ssekabaka Muteesa II brought horses to Mengo Lubiri, since they were used to cows.

Mrs. Mpanga, mother of Buganda Attorney General David Mpanga and Kabaka's Private Secretary Peter Mpanga went straight to the point after thanking the Lukiiko speaker. She opened with, "People tell me, sometimes in whispers, and others keep phoning me, some anonymously, saying that I must stop my lawyer sons from selling Kabaka's palace. They tell me that the Katikkiro is my son, the second Katikkiro my son and the other lawyers are also my sons.

"It appears that some of these people think that I have easy access to Kabaka, which [these days] is impossible. One even warned that [Baganda] may replace Kabaka Mutebi, as they have done to other Kabakas in the past. And one of these people wrote to remind me that Baganda forced Ssekabaka Muteesa II to have his widowed mother to resign and get replaced as Namasole (Kabaka's mother) [when she decided to marry a commoner]. They

told Muteesa that if his mother did not resign, he would have to go too."

Pointing out that she was a member of the Bataka Supreme Council (which Mr. Mayiga said made the decision to lease Lubiri), Mrs. Mpanga informed the Lukiiko that, when they first re-established the Buganda Lukiiko, it was designed to ensure that ordinary Baganda were well consulted by their representatives and issues were strongly debated before major resolutions were passed.

She complained, "But now, the Buganda Lukiiko is only a rubberstamp because there is no debate. The Katikkiro comes here and speaks for over one hour. Then the members are given two minutes to make comments. Next day, the lady who is minister for Lukiiko publishes resolutions that we never debated or agreed on at all."

As the clapping and cheers grew, Mrs. Mpanga continued her attack. She accused Mayiga and his partners of bringing the topic of Mengo Lubiri to the Lukiiko only after they faced serious public opposition. She said it was obvious to her that they had already made their decisions and were now looking for cover from Buganda Lukiiko. She questioned why, when Kabaka is supposed to have so much land, Mengo should offer Mengo Lubiri to foreigners and not some other land.

"Mr. Katikkiro, you keep talking about putting Buganda's issues first (okusoosowaza) and they include Federo. What kind of Kabaka are we going to have under a Federo where his palace is leased by foreigners?" she asked. She pointed out that [Kabaka Mutebi] is not supposed to be the last be Kabaka in Buganda. "What if a future Kabaka wants all the space in Mengo Lubiri? Are we then going to beg the foreign investors for the space our Kabaka needs?" she asked. Adding, "Some say that we got Byooya bya nswa (ant feathers for a Kingdom), are we going to accept that and also lease our Lubiri to foreigners?"

Fearing that the situation was getting out of hand, one of Mayiga's strongest supporters in Lukiiko, a man called Kasakya, requested the speaker that further discussion of the topic be continued in "sessional committees" since it was sensitive.

A day later, the official Buganda Government website, www.buganda.or.ug, only reported that "The Lukiiko agreed that, there is need to develop the Mengo palace but with utmost care without tempering with the tradition."

All 5 Mayiga watchers that Buganda Watch has contacted since February 1, 2017, agreed that the "Joyce Mpanga roadblock" did serious damage but Mayiga will probably keep trying. In the meantime, Katikkiro Mayiga's contract ends only 3 months away in May 2017.

Below is additional Buganda Watch reporting on Katikkiro Mayiga's scheme to lease Mengo Lubiri to foreigners, since February 25, 2015.

Other stories that triggered the authors investigations are these given below.

<u>Other related stories</u>

Youth Leaders Say Aga Khan Has Joined the Cultural Genocide Against Baganda People in Uganda

Baganda Youth Petition Aga Khan to Disassociate Himself from Lubiri Deals

Baganda Youth Concerned Aga Khan Visit to Buganda Seems to Involve Lubiri Sale

Katikkiro Confirms to Lukiiko, Mengo Wants to Rent Lubiri to Investor

Baganda Youth Update Their Petition to Aga Khan Over Kabaka's Palace

Mayiga's latest plan to sell off Mengo Lubiri, some fear Uganda mafia involvement

Charles Peter Mayiga in the groove house

Charles Peter Mayiga had no knowledge of the plans that David Kyewalabye Male, Kizito Bashir and others actually designed the fraud and how it related to the off-the-balance-sheet partnerships until a meeting with lawyers when it became general knowledge that the Baganda Royals had mutates done over there land minus their consent and how they were being handled with brute force as a result of the connections that existed with the mainstream land grabbers, the Buganda Land Board and private Militias they had engaged for example , the clique and private military gang hired by Munyaneza at Kigo Busabala without

the knowledge of the landlords whose ownership stems from the 1900 Buganda agreement and Land which has final certificates and provisional certificates of individuals and qualifying as registered vide the Registration of Titles Ordinance and compliant with the dictates of effects 7 to 32 of the Registration of Titles Act, Cap 230 .

It was not until the January 30, 2017 board meeting before Charles Peter Mayiga knew that anything was wrong. Charles Peter Mayiga said," In his speech, Mr. Mayiga had spoken in the style of a non-Muganda when he said, "I can never understand Baganda" and claimed that Baganda are short-sighted because they opposed former Katikkiros Kawalya Kaggwa "for bringing electricity" and "killed Martin Nsibirwa for donating Buganda land for the now glorious Makerere University". He even claimed that the same short-sighted Baganda complained when Ssekabaka Muteesa II brought horses to Mengo Lubiri, since they were used to cows."

He does not blame David Kyewalabye Male and Kizito Bashir Juma among others for the legal misrepresentation of Chapter 247 of the Laws of Uganda and the underhand methods that were used to forged Kyapa Mungalo over private Mailo land, but did blame the Royals who include among others THE FAMILY OF THE LATE YUSUF KIWEWA SUUNA(OMULANGILA) WHO ARE VERY INSTRUMENTAL AT FIGHTING FOR THE CULTURAL

SITES, THE REINSTATEMENT OF THE PALACES FOR THE NAMASALOES AND ARE AGAINST THE SALE OF ANY LAND THAT WAS INNITIALLY DEDICATED TO PRESERVATION OF THE ROYAL REGALIA AND FOLKLARE for the fraud that destroyed Buganda Land Board Limited. He believed there were only three or four individuals who engaged in major misconduct that created the negative news events and assumption of widespread corruption in the Kingdom Buganda Land Board and were also against the illegal compliance with the laws concerning the land over which Buganda Public has interest and the private Mailo land that was being sold like pan cake at giveaway prices like tomatoes in the names of Kyapa Mungalo.

"Charles Peter Mayiga likes talking about putting Buganda's issues first (okusoosowaza) and they include Federo. What kind of Kabaka are we going to have under a Federo where his palace is leased by foreigners?" What Kind of Buganda are we going to have when our royal houses in Kirinda Kigo, Ebyogero Bya Balangila, Enyumba ya Kiwanuka, Enyumbe Ya Ndawula, Embuga ya Kigo and Olubili lwa Kiyimba azala Nakibinge Omwulwanya emuli ekongojje have been sold by the Buganda Land Private Limited illegally to the Chinesse. It is also important to understand that [Kabaka Mutebi] is not supposed to be the last be Kabaka in Buganda. "What if a future Kabaka wants all the space in Mengo Lubiri?

Are we then going to beg the foreign investors for the space our Kabaka needs?". Adding, "Some say that we got Byooya bya nswa (ant feathers for a Kingdom), are we going to accept that and also lease our Lubiri to foreigners?"

Charles Peter Mayiga and others

Most of the damage came from the negative press that destroyed investor confidence and caused the collapse of the Buganda Land Board for land is their asset base in the off-the-balance-sheet partnerships. We believe that Charles Peter Mayiga will be convicted for "what he should have known" and his failure to prevent business failure. He believes that the law should not convict him for information that he did not know. Charles Peter Mayiga will say that there is no evidence presented that his lack

of knowledge was intentional but sincerely what was he thinking about when he built property single handedly at the Land on block 269, Wakiso given the land expertise he has, What does he want the world to believe that under his guidance the land at Mutungo Kigo that his Buganda Land team has leased to THE CHINESSE AT KIGO , THE LAND ILLEGALLY LEASED TO THE PROPRIETOR OF THE PROTEA HOTEL ENTEBBE,MR.SEGAWA WITHOUT THE CONSENT OF THE LAND LORD AT KIGO, THE LAND LEASED TO THE TURKISH AT KIGO OVER WHICH THERE IS A COAT ORDER and so many other encumbrances created thereon minus the consent of the land lord even after being given a restraining order from the high court over that land. What can Charles Peter Mayiga say about the leases given to picfare for the condominiums they have built over block 269 at Lubowa among others? His involvement in this Brazen Land grabbing is clearly spelt and indeed requires our justice system to address it. How was the Buganda Land board under his management able to make land titles over land on which has subsisting titles like that land on Block 269 Wakiso, Block 371 Wakiso, Block 1 Kyadondo, Block 2 Kyadondo among others. Who in the department of Land Registration and Land administration does Peter Mayiga and other cronies of theirs work with to disintegrate the old titling information and replace it with the new one of

there choice. Does the Ministry of Lands, Department of Land Registration and Admnistration have knowledgable management information systems gurus? How does Charles Peter Mayiga and his team manipulate them? Its questions like this that unleash the most systematic land grabbing scheme ever experienced in central Buganda. Does Charles Peter Mayiga and the Buganda Land Board have a plan of phasing out other memebers of the royal families that existed before Mutebi? If so why? What did other royal family members do that is so grave to deserve being treated with such an unhumane practice? Does Charles Peter have a program of indirect genocide similar to that of Peter Botha of South Africa against the Black People? What did the royals of other families do to Charles Peter Mayiga and his gangos?

Charles Peter Mayiga

Charles Peter did have daily knowledge of how schemes and deals were developing to meet the numbers. On top of that, he confirmed that the internal controls broke down, resulting in the implosion. He said that as hard as he tried, the internal controls did not uncover the most significant misconduct. The most significant of the fraud engineered by David Kyewalabye Male and his right hand man Kizito Bashir Juma was how irrespective of the legal dictates they were able to make Kyapa Mungalo mutates over private Mailo land ultra vires the law and the other was the wisdom that drove the to conceal the information in the ruling of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);in which Buganda Land Board had been

declared null and void with no commercial capacity to do business with anybody. This was the most disappointing thing that has ever happened for even the board of members for the Buganda Kingdom chose to keep quiet as the people where being fleeced by these systematic thieves.

Throughout our interactions, Charles Peter Mayiga maintained his innocence and said that he was not purposely lying to the employees and the investor community, but trying to save the company that he loved. He knew it was a mistake to return as CEO and try to save the company

According to Senono Kaya Nakibinge, while the press and public perceived Charles Peter Mayiga as the mastermind of the corruption, there was no evidence to bear this out for he would then claim that he was in Charge of the Buganda Kingdom and not the Buganda Land Board but his involvement in the two is trite evidence that he was the primer of the country most systematic white collar crime and heist. Privately, prosecutors are worried if they will ever be able to charge Charles Peter Mayiga with any crime according to the article.

The reliance on accountants and lawyers who were so well compensated that they lost their professional objectivity may have been part of the problem. In our opinion,

Charles Peter Mayiga did a good job building the company, but not in managing legal and ethical risks and the company's downturn in performance. He avoided finding misconduct and dealing with the individuals involved. He also continued to claim publicly that all was well with the company, even after he found out that Buganda Land Board was in trouble. While Charles Peter Mayiga said he did not know about any misconduct, internal reports told a different story. Charles Peter Mayiga's perception was not accurate, as we know from whistle-blower's reports. Although he did not remember ever seeing the reports in question, internal whistle-blower reports had increased300% between when Charles Peter Mayiga was CEO and when Eng J.B.Walusimbi took over. This means that there had been a significant increase in reports of misconduct. The CEO and Board of Directors should have examined this rise in reports to determine the causes. If Charles Peter Mayiga had investigated the problems when he returned as CEO and told the employees and public the truth, Buganda Land Board, the Person of the Kabaka and the Buganda Kingdom might have survived.

Those who know Charles Peter Mayiga or met him once at events tried to explain what he was like in real life. The real Charles Peter Mayiga created a unique business model that had never been tested under the existing legal system. He relied on accountants, lawyers, and board of

director members for guidance and developed a different business model for the real estate, media, events and real estate development industry. He has always made mistakes and did not have the advantage of an effective ethical compliance system, good corporate governance, or effective internal controls that are dictated by the Company's act 2012 and well laid down in the combined code of corporate governance. He is not keen on sufficient and appropriate financial reporting and is ready to go to war with any person who asks him to account for the Kingdoms monies not withstanding that Chief Executives Officers are in charge of accounting. He does not provide financial reports for the Kingdom at all and will always create a reason why they have not to account in line with the acceptable accounting standards. From the analytics above Mayiga happens to be very non knowledgeable about the international auditing and accounting standards that regulate financial reporting and is continuously operating in breach of company laws.

Kabaka Ronald Muwenda Mutebi and Charles Peter Mayiga

Corporate failures as big and fast as this one tend to be held out as examples for future business regulation. Buganda Land Board's failure is no exception, implicating a long list of regulatory topics well before completion of formal investigations into the company's management and the collapse's cause. On its face Buganda Land Board raises issues for the future of real estate and land deregulation, the mandatory disclosure system under the public entities management laws, the regulation of the accounting profession, the regulation of the accounting profession, the reengineering of the Buganda Government systems and internal corporate governance systems.(Even

the repeal of the Glass-Steagall Act has come in for questioning on the ground that the losses of Citibank and the Morgan Bank might have been lower had they not been providing Enron with investment banking services. Jeanne Cummings et aI., Enron Lessons: Finns Need to Have Assets, and Auditors Oversight, WALL ST. J., Jan. 15, 2002, at AI).

Buganda Land Board is "on the side of the angels":

In every business we've been in, we're the good guys. That's why they don't like us. Customers love us, but the incumbents don't like us. We're bringing the benefits of choice and free markets to the world. You have no idea how frustrating it was in the early days of land. They had built all the rules to protect their monopolies

Finally, the perfect storm of events imploded Buganda Land Board, and Charles Peter Mayiga became the scapegoat of all that went wrong at the company. There is a tremendous challenge in helping society understand the complexity of corporate ethical decision making and the social net-works that are present in decisions.

As with the political community, Buganda Land Board has failed to find significant sources of support in the business community as it struggled to stay solvent. Many saw it as an arrogant, uncooperative player. It had insisted on, and succeeded in, getting its own way with

business counterparties as well as government regulators. Its famously opaque financial statements showed that Buganda Land Board found it neither necessary nor desirable to share a clear picture of its operations and finances with either its own shareholders or the wider financial community. This was a firm whose CEO, David Kyewalabye Male, publicly castigated as an "a goon" a member of the Royal Family who had the temerity to ask a critical question about Buganda Land Board's financial reports. When financial journalist, Muyanga Lutaaya, asked early questions about the company, in Is Buganda Land Board Overpriced?, Charles Peter accused him of being unethical for publishing an under researched piece

Daily Monitor

Truth, lies about Mengo land lease

Saturday May 27 2017

Discussion. Buganda prime minister Charles Peter Mayiga (2nd right) interacts with MPs at Bulange-Mengo in Kampala after a meeting in April. PHOTO BY JAMES KABENGWA

By Eriasa Mukiibi Sserunjogi & Stephen Kafeero

Kampala. Buganda Land Board, the body charged with managing the kingdom's land, says on its website that the six-months "promotional" campaign meant to issue leases to tenants on the land it manages – dubbed Kyapa Mungalo – is "optional".

The five-point note on the website adds that "only those interested in elevating themselves from being kibanja holders to title holders and add value to their land are

invited to respond" to the call, and that those who are unwilling or unable to embrace the call will remain kibanja holders subject to paying the statutory rental fees (Busuulu) as determined by the central government.

During the promotional period, the note continues, premium costs of getting a 49-year lease will be cut by 70 per cent, and the lease agreement, a copy of which Saturday Monitor has seen, provides for automatic renewal of the lease after the expiry of 49 years if one is still interested. In case someone is unable to renew the lease or is no longer interested, the notes state, one is free to revert to his or her former status as a kibanja holder subject to regularly paying the kibanja rental fees. But the initiative, launched by Katikkiro (prime minster) Charles Peter Mayiga last month, has attracted significant criticisms from different circles, including from ministers in the central government.

"It is only President Museveni who can call this young man (Mayiga) to order. I do not believe that the people of Buganda have failed to pay ground rent (busuulu) which is the known constitutional procedure for all tenants on Buganda Kingdom land," Minister Without Portfolio Abdul Nadduli was quoted by Saturday Monitor to have said at a function in Luweero on May 6. "It seems leaders in Mengo led by the Katikkiro are trying to push government to do something which will make it unpopular. People in Buganda

could easily mistake President Museveni to be part of the 49-year lease project fronted by Mengo. A few people in Mengo could easily work against the Kabaka by making him unpopular through the land lease project," Mr Nadduli warned. Mr Nadduli's criticism, particularly his reference to the likelihood of the kingdom losing popularity, has been fronted by many.

Ms Idah Nantaba, the state minister for Information Communication Technology, who presented herself as an advocate for tenants' rights in the fight against evictions during her time as junior Lands minister, has also criticised the initiative, arguing that many sitting tenants cannot afford the lease fees.

But the most acerbic critics of the Kyapa Mungalo initiative are former presidential spokesperson Joseph Tamale Mirundi and the outspoken Muslim cleric Sheikh Nuuhu Muzaata-Batte. A long-time critic of Mengo officials, Mr Mirundi, on radio and television shows, accused Mengo officials of corruption regarding land matters and urged tenants not to embrace the initiative. Sheikh Muzaata also on a number of occasions, before and after the launch of Kyapa Mungalo, attacked Mr Mayiga and has predicted doom for the initiative.

Shortly after Mr Mayiga was appointed Katikkiro in 2013, Sheikh Muzaata went on the offensive, accusing him of bringing down a historical mosque in Lubiri, Mengo. And the

frosty relations between the two have never thawed. In response to the criticism, Buganda Land Board released what it called details of lease applications to the same body by both Mr Mirundi and Sheikh Muzaata. Confronted with this claim during a morning show on NBS Television, Mr Mirundi pushed and threatened to beat up the host, Mr Simon Muyanga Lutaaya.
Mr Mirundi and Sheikh Muzaata declined to speak to Saturday Monitor for this story, citing different reasons. Whereas Mr Mirundi accused this newspaper of fighting him on behalf of people he called his enemies, Sheikh Muzaata said we had called him "at the wrong time".

More questions

Kampala Affairs minister Beti Kamya told a press conference that the Kabaka's official estate vested in the institution of the Kabaka in the 1900 agreement has since been parceled out to the descendants of former Kabaka Daudi Chwa, the grandfather of Kabaka Mutebi, and that the reigning king should not through Buganda Land Board continue to control the entire 350 square miles.
"It implies that the land belonging to Kabaka Mutebi is not the 350 square miles. It is far smaller than the 350 square miles," Mr Kamya said.

Buganda Land Board says on its website that it manages the 350 square miles – the Kabaka's official Kabaka's mailo - that was returned to Buganda in 1993, and another 300 square miles President Museveni returned to the kingdom in 2013.

In reference to this, Ms Kamya listed three sets of land including land entrusted to the counties, to the Queen Mother, and the sub-counties whose control, she said, Mengo must open up to discussion. "Which land is the Katikkiro and Mengo asking the people of Buganda to get titled leases on. If it is the Kabaka's land, it is his prerogative to treat his land as he wants but if it is these other categories , it is not Mengo's, the Katikkiro's or even the Kabaka's prerogative to dish out this land as they want," she said.

She suggested that there must be discussions in the Buganda Lukiiko (Assembly) on the solution. But if what she terms as an impasse persists then she suggests a referendum on Buganda's land. The other option, Ms Kamya suggests, is giving freehold titles to the people of Buganda, something the kingdom is opposed to on grounds that the people who get the titles may sell off the land as has happened in the past and future generations of the kingdom will be landless.

Mr Mayiga has also argued that Buganda Kingdom will exist "forever", meaning that at any point in time it must have

land. He compares it to institutions such as the Catholic Church, which only offer leases on their land.

Ms Kamya, at the time of writing this story, said she stood by her views as expressed earlier, although she referred this newspaper to the Lands minister to follow up. Mukono Municipality MP Betty Nambooze, while expressing support for the drive to grant leases to tenants as a way of securing their tenure and raising the value of the land, wrote on her Facebook account that the "unnecessary" criticism that the initiative has seen would have been avoided if Mr Mayiga had been democratic. Ms Nambooze, who rose to prominence as an opposition politician based on her support for Mengo and the Kabaka, is one of those who got disenchanted by Mr Mayiga's approach to his job as Katikkiro, particularly his de-politicisation of Mengo and the thawing of relations between Mengo and President Museveni. Earlier, in 2007, Ms Nambooze was abducted by State operatives, together with Mr Mayiga, who was then the Kingdom spokesperson, and his then deputy Medard Sseggona.

The abduction of the trio and their detention at different places in Western Uganda came at a time Mengo and the government were locked in a disagreement over proposed amendments to the land law. Whereas both Ms Nambooze and Mr Sseggona went into opposition politics, Mr Mayiga

remained in the service of the Kabaka and shortly after his elevation to the office of Katikkiro in 2013 led a team to State House Entebbe to receive hundreds of land titles that the government returned to Buganda. President Museveni also attended the first Kabaka's coronation anniversary under Mr Mayiga's term, held in Lubiri Mengo, and the Katikkiro declared that he would cooperate with whoever recognised Kabaka Mutebi's status regardless of that person's political or religious affiliation.

Katikkiro Mayiga has ordinarily not responded to individual critics, usually picking occasions on which to dress matters raised. The last such occasion was the sitting of the Buganda Lukiiko on May 8, 2017. Before the Lukiiko sitting, Mr Mayiga had elaborated in a press statement that the mass titling initiative Buganda Land Board had embarked on "represents the Buganda Kingdom legislative organ's (Lukiiko) resolution of 1994; to offer leases to all interested tenants on the Kingdom land."

Mr Mayiga, to make the point that there is nothing unusual about offering leases on the Kabaka's land, noted that the kingdom has been offering leases since the said Lukiiko resolution was passed 23 years ago, and that to-date up to 20,000 leases have been issued. In addition, Mr Mayiga noted: "Even most of the land that was returned to the kingdom in the 2013 agreement between the Kabaka and the President of Uganda has leases inherited by BLB

(Buganda Land Board) stretching up to 99 years. This therefore demonstrates that leases are not only issued by Buganda Kingdom but also other bodies like Uganda Land Commission, District Land Boards, KCCA, religious institutions and Private Mailo owners."

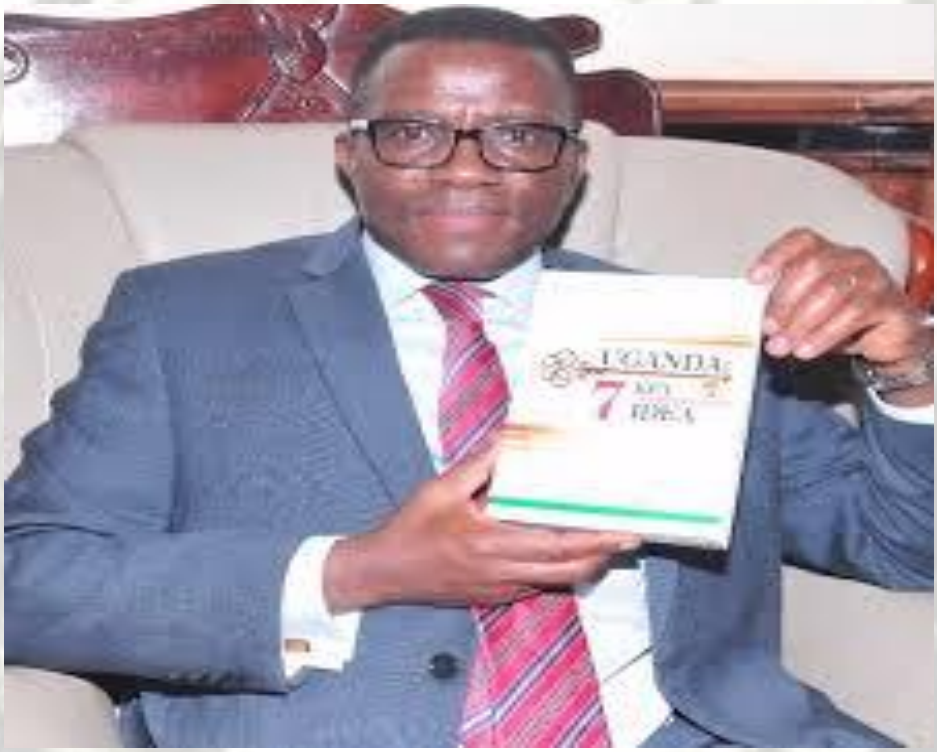
Lease process:To secure a lease, a kibanja holder fills an application form and pays Shs 950,000 in survey fees, which during the Kyapa Mungalo drive has been reduced to Shs650,000. The applicant also pays an additional Shs250,000 as registration and inspection fees. Buganda Land Board then sends an inspector to the location to authenticate the purchase documents for the kibanja and then submits a copy of his report to the parish chief, on to sub county and then to county level. At county level, the applicants are vetted by a committee that sits every month. A Buganda Land Board branch manager in the county and officials from Buganda Kingdom's local government sit on the committee. The approved applicant's details are then forwarded to the Central Lease Committee of Buganda Land Board before the lease title is processed.

The value of the empty plot is then computed, Buganda Land Board officials say basing on the benchmarks set by the Chief Government Valuer, and once the value of the land is determined the applicant is then required to pay what is called a premium.

The premium is 10 per cent of the value of the land. If a plot is valued at Shs50m, for instance, the applicant will be required to pay Shs 5m (10 per cent of 50m) for the 49-year lease. Then every year, the applicant will be required to pay a ground rent equivalent to 1 per cent of the value of the land, or 10 per cent of the premium. For the one whose plot's estimated value is Shs50m, the annual payment will be Shs500,000 (1 per cent of 50m or 10 percent of 5m).

On the expiry of 49 years of the lease, the one occupying the lease, according to the agreement, has automatic right to renew it by paying a new premium based on the freshly estimated value of the land.

editorial@ug.nationmedia.com



Charles Peter Mayiga
Buganda Kingdom
Chief Executive Officer

SOURCE.
https://www.bugandawatch.com/2015/02/26/baganda-youth-concerned-aga-khan-visit-to-buganda-seems-to-involve-lubiri-sale/

Aga Khan

Leaders of the Baganda youth pressure group, Ffe Buganda Nze Buganda, have sent an email to BugandaWatch saying that the Aga Khan, who arrived in Uganda on February 25,

2015, may be using the graduation ceremony at Aga Khan University in Kampala to secretly negotiate with Mengo to turn the Kabaka's cultural home (Lubiri) into an Aga Khan hospital. The email, which was written in Luganda says, "We find it very strange that the Aga Khan owns the Monitor Newspaper but it has not even announced his presence in Uganda. Also, different Baganda youth who keep a watch on the Lubiri from Katwe and Ndeeba have reported to us that, on Wednesday evening, a small aircraft was seen circling over the Kabaka's Palace. This is so rare. Why should it happen on the same day the man who wants to destroy the most important cultural site to Baganda happens to be in Kampala?"

The email adds, "After appropriate consultation, we may issue an official press release, explaining our concerns and what we may do to make it clear to Aga Khan that, like his Ismaili culture is not for sale, our Kabaka and culture are also not for sale."

Since the beginning of this week, the East African, Daily Nation in Kenya and The Citizen in Tanzania have all carried headline stories that Aga Khan, the hereditary spiritual leader of Shia Ismailia Muslims, was in East Africa to announce that his Aga Khan University was going to invest US$ 1 billion in the region over the next 15 years. The Aga Khan owns all of the above papers. He also owns the Monitor Newspaper in Uganda. However, Buganda

Watch can report that unlike its sister papers in Kenya and Tanzania, the Monitor in Uganda did not carry any headline story about the Aga Khan visit to East Africa or Uganda. It only reported on the graduation ceremony, over which the Aga Khan presided, in its National section, under the obscure title "Aga Khan University to expand programmes."

Buganda Watch has also established that NTV Uganda, a television station also owned by Aga Khan, posted a video on YouTube showing him as the main guest at the graduation ceremonies for the Aga Khan University in Uganda. The ceremonies were held in Serena International Conference Center, Kampala, which is also owned by the Aga Khan. As would be expected, there was no mention of the Kabaka's Palace in the YouTube video.

On January 24, 2015, Buganda Watch reported that nationalist Baganda youth leaders were up in arms about what appeared to be the decision by Prince Shah Karim Al Husseini, Aga Khan IV, to join the cultural genocide campaign against the Baganda people (see: Youth Leaders Say Aga Khan Has Joined the Cultural Genocide Against Baganda People in Uganda). They feared that Aga Khan was conspiring with or bribing officials in Buganda Kingdom institutions to allow him to build a hospital and other business structures on the grounds of the sacred official residence of the Kabaka (king) called Mengo Lubiri.

NOTE. The Aga Khan is one of the most respected leaders and spiritual living human beings in the World. Though we have not received a word from his representatives, we believe that he cannot engage in such fraudulent schemes. Once the correct due diligence was done and he established the sanctity of the palace in question, he abandoned the project.

Charles Peter Mayiga took the large firm and explained it as a byproduct of equilibrium contracting by rational economic actors. Given the complexity of relations among actors in the complex, agency cost reduction emerged as the problem for solution in the economics of firm organization.(Jensen & Meckling, supra note 47, at 310. For an explication of the theory, see William W. Bratton, Jr., The New Economic Theory of the Firm: Critical Perspectives ffom History, 41 STAN. L. REv. 1471, 1478-80 (1989). Buganda Land Board was going to use real-world market contracting to unwind Jensen and Meckling's contractual complexes into simpler, more transparent units. With each unit directly disciplined by the market for its own product, agency costs inevitably would be less of a problem.

Charles Peter Mayiga saw one further implication: assets were a bad thing to have. This followed from the shareholder value maximization norm. Charles Peter Mayiga liked the numbers on return on equity capital yielded by

financial institutions and, insurance companies, better than the returns capital yielded in the cultural industry: "It's very hard to earn a compensatory rate of return on a traditional asset investment. . .. In today's world, you have to bring intellectual content to the product, or you will not earn a fair rate of return.', Under this line of thinking, Buganda Land Board could justify owning a bricks and mortar operation or other hard asset only to the extent necessary to support a trading operation-as with the media company in the foregoing example or Buganda Kingdom's building of a national broadband network as the start point for a broadband trading market. Meanwhile, Buganda Kingdom would divest its extensive collection of public Mailo land that has always been held as an iconic treasure to support vertical expansion of population growth given the low resource distribution and meager incomes and other properties. His colleagues at work who are equally fraudulent as him like David Kyewalabye Male and Kizito Bashir Juma among others applauded-here was a firm that "doesn't linger over troubled assets," dumping them in order to ''help fund its vast ambitions.

It should be noted that Buganda Land Board's plan to become the real-world embodiment of the contractarian ideal has profound implications for industrial organization. Of course, there is nothing new about restructuring, downsizing, and unbundling. These became everyday events

in corporate America as the shareholder value maximization norm came to drive management decisions in the 1990s. But even as many corporations regrouped around "core competencies" they remained big, asset-rich entities, vertically integrating the production, supply, and distribution functions feeding in and out of their cores. Buganda Land Board's vision held out a much more radical degree of divestiture, leading to smaller entities under tighter market constraints and deprived of institutional stability.

For a glimpse of the world Charles Peter envisioned for everybody else, we need only look within Buganda Land Board's glass box in Bulange Mengo to see the way he treated his own employees. Questions about executive decisions were not tolerated. Nor were fairness complaints. Employees labored under tremendous pressure to take significant risks and bring in favorable results in the short term. And the end justified the means.

Buganda Land Board's whiz kid recruits entered a perpetual tournament, termed the "rank or yank" system. Each got to pick ten other employees to rank his or her performance. But the system also allowed coworkers to make unsolicited evaluations into an online database. At year's end, Charles Peter Mayiga and his main man Kyewalabye David Male threw everybody's results onto a bell curve, and those on the wrong end of the curve were

terminated. Those who remained scratched and clawed to get or stay in the winners' circle. Winners got million shilling bonuses and were privileged to accompany Charles Peter Mayiga for boat cruises in Dubai or Land Cruiser racing in Middle East desert.

We have seen that Buganda Land Board planted the seeds of its own destruction with its implementation of Charles Peter Mayiga, David Kyewalabye Male and Kizito Bashir Juma's "fraudulent kyappa Mungalo over private mailo land ' strategy. This, although a logical extension of the strategy-in-chief, was not necessary for its implementation. Tamale Mirundi a media presentation guru announced that Buganda Land Board had collapsed the day it fraudulently made mutates out of Kabaka Mwangas Land and it was just a matter of time. Has the strategy gone down with Buganda Land Board Limited, as Kampala Senior Lawyer, Peter Mulira has asserted, or does a valuable arbitrage play remain on the table to be picked up by a successor?

DAVID KYEWALABYE MALE

David Kyewalabye

Chief Executive Officer

Buganda Land Board

Disclosures of self-dealing transactions in the fall of 2018 seriously destabilized Buganda Land Board. The disclosures concerned a complex of side deals involving two people of which Buganda Land Board's Head of Research, Kizito Bashir, was the manager and the general partner of the firm that was doing the survey works, discovering the

private lands that the forged lease mutates would be done and he is the Chief Liaison with the Ministry of Lands, Department of Land Registration and Administration. These arrangements put millions of dollars into Kizito Bashir Juma's pocket at the expense of the company he was employed to work for, and resulted in an overstatement of Buganda Land Board's earnings over four years which lie would only be maintained by hiding such facts from the general public and the shareholders of the private company.

This Part starts with some accounting, laying out basic rules governing parents, subsidiaries, affiliates, and other entities and showing how those rules created problems for Buganda Land Board's middle managers as they worked to realize Charles Peter Mayiga and David Kyewalabye Male's vision. The Part goes on to the David Kyewalabye Male arrangement and the multimillion dollar Chinese Kigo Investment that could not progress after facing stiff resistance from the family of Yusuf Suuna Kiwewa (Omulangila) which cast a lot of resistance to ensure that the land previously held as a reserve for cultural sites does not become a real estate unit claimed as a result of adverse possession which would surface later as a result of lapse of time. The Chinese too threatened about what had happened and had to turn guns to the Buganda Land management and this repel turned into earnings

manipulation. The key players here were non but David Kyewalabye Male.

The Buganda Kingdom recruitment process is taint with a very poor recruitment system. Notwithstanding that Buganda Kingdom is a public cultural institution that has to report to its stakeholders, the human resource of the kingdom is chosen based more on social ties rather than professional qualifications. Organizations that practice this kind of operation will not be able to survive in the 21st Century and thank God this is a cultural kingdom otherwise this would have marked the cause of its collapse majorly arising out of legal noncompliance with the law. One of the Subsidiaries of the Buganda Kingdom known as Buganda Land Board is managed by the Chief Executive Officer David Kyewalabye Male.

Collin Powell's Rules for Picking People" Look for intelligence and judgment and, most critically, a capacity to anticipate, to see around corners. Also look for loyalty, integrity, a high energy drive, a balanced ego and the drive to get things done." How often do our recruitment and hiring processes tap into these attributes? More often than not, we ignore them in favor of length of resume, degrees and prior titles. A string of job descriptions a recruit held yesterday seem to be more important than who one is today, what she can contribute tomorrow or how well his values mesh with those of the organization.

You can train a bright, willing novice in the fundamentals of your business fairly readily, but it's a lot harder to train someone to have integrity, judgment, energy, balance and the drive to get things done. Good leaders stack the deck in their favor right in the recruitment phase.

David Kyewalabye Male
Chief Executive Officer
Buganda Land Board

In the case before us, the person chosen to be the Chief Executive Officer for the Buganda Land Board is David Kyewalabye Male. We need to agree that being a corporate chief executive officer of an organization of a subsidiary like Buganda Land Board requires a person with hands on exposure. This person should be able to read behind corners, with the capacity to design, implement, review, monitor and at times re-engineer the management

information system such that its able to provide sufficient and appropriate information to multivariate stakeholders real time, comply with the global dynamic legislative framework inclusive of knowledge of the practical application of accounting and auditing standards and three sixty degree knowledge of the Torrens Regulatory framework on real property management for it formulates the foundation of real property law for the state and with the capacity to implement an internal control framework that will be able to hedge against fraud ,financial malfeasance and asset misappropriation and loss of assets. The Chief Executive officer of such a high assetivised business should be able to think outside the box with the capacity to integrate a number of fundamental statutory instruments that have a bearing on the Uganda's Land system which include but are not limited to the mortgage act, the succession act, the constitutions of Uganda in totality, the pre-colonial agreements among others and how they trickle into Uganda's present land law. He should be a person with high integrity, independent thinker, team leader and conversant with the practical knowledge concerning strategic management in a very dynamic environment. Given that land is a major resource for the Kingdom, such resource chosen should have an understanding of dealing with people of various cultures who are beneficiary of Uganda Land system. It's a job

that calls for effective, efficacious and efficient control of two thirds of the country's land. These two thirds are governed by both Chapter 227 the Land Act and Chapter 230, the registration of titles act. It will require a person with intense advisory knowledge on the political and technical semantics governing land. This role requires more than the academics that few Ugandans have been exposed to. Given the kingdoms nature the Chief Executive of the Buganda Land Board should be able to have a helicopter understanding of group accounting and the decision making required therefore for interpretation purposes.

Mr. David Kyewalabye Male is not that person above.

David Kyewalabye Male
Managing Director
Buganda Land Board

He holds a bachelor's degree in Library and Information Science (Makerere University Kampala), a Diploma in Project Planning and Management, Post Graduate Diploma in Human Resources Management, a Master's degree in Human Resources Management (UMI) and a Master of Science degree in Management and Implementation of Development Project (Manchester University). Mr. Kyewalabye Male David worked with Uganda High Court Library as the expert Librarian on the British High Commission funded re-organization of the library. He served as the pioneer Chief University Librarian, Ndejje University and later joined Buganda Cultural and Development Foundation (BUCADEF) an NGO of Buganda Kingdom where he rose to the level of Chief Executive Officer. He also served as the Royal Treasurer to the Kabaka of Buganda (Omuwanika w'enkuluze).

From the above profile, we are looking at a librarian with specs of some project training being given a multimillion dollar real estate development investment firm with an asset portfolio as valuable as one of Africa's biggest Banks. The asset portfolio that ranges from freehold land, work in progress, lease accounting, group accounting with multivariate clients strata by culture in a highly regulated dynamic industry. The person of the Librarian mentioned above indeed was wrongly placed and this even further makes us question the criteria upon which he was chosen.

When choosing the Buganda Land Board Management, so much concentration was put on the organization chart. They forgot that organization charts are frozen, anachronistic photos in a workplace that ought to be as dynamic as the external environment around you. If people really followed organization charts, companies would collapse. In well-run organizations, titles are also pretty meaningless. At best, they advertise some authority-an official status conferring the ability to give orders and induce obedience. But titles mean little in terms of real power, which is the capacity to influence and inspire. Have you ever noticed that people will personally commit to certain individuals who on paper (or on the org chart) possess little authority-but instead possess pizzazz, drive, expertise and genuine caring for teammates and products? On the flip side, non-leaders in management may be formally anointed with all the perks and frills associated with high positions, but they have little influence on others, apart from their ability to extract minimal compliance to minimal standards. Indeed this is the person of Kyewalabye Male.

That gut feeling many workers, laborers and other underlings have about their CEOs is spot on. "It's not for us to judge what too much is for anybody else," said Benjamin former Mayor Emeritus Nakawa, "but we can see when the outcome of somebody's work is the greater good,

and when it is not just greed that is operating in them." The lack of knowledge for the Buganda Land Board strategic management team is very pronounced and can be first sensed when you are at its door from the sweeper on board to the Chief Executive Officer on board. Greed, provincialism, cowardice, unfocused aggression, mania, egoism, immaturity, mendacity, incompetence, weakness, pride, blundering, decadence, arrogance, a need for admiration, naiveté: If you are looking for words that explain the fall of Buganda Land Board, you can choose freely and justifiably from among the above list.

Kyewalabye David Male is also a story of how these corporate heads, along with numerous other members of the management and supervisory boards, stood aside as Kizito Bashir Juma and the many other new lands and survey operation and management heroes modified the quasi parastatal institution developed as per the mandate of the 1961 Buganda Agreement to serve their own purposes -- essentially looting it and robbing it of its very soul -- without leaving behind a better, stronger institution.

The subject is vast and convoluted, given the many aspects and paradoxes that come with the decline of such a large financial institution. One of those is the fact that, even as Buganda Land Board is rapidly losing value, it is still seen today as the largest systemic risk for the global real

estate world that has ended up swallowing financial institutions and banks as through there every day work corporate employees tailored products they could use to fleece private mailo landlords and the unsuspecting public through the well-publicized fraudulent product known as " Kyapa Mungalo leases fraudulently curved out of Private mailo land". Every detail in the sequence of its decline is controversial, partially because the financial world still considers it normal that nobody take responsibility for anything but themselves. All of them are most concerned with painting their own role in the best light possible and presenting the decisions they made as the only ones possible at the time.

But their claims must be examined critically. When looking back at past decisions, one can easily seem like a know-it-all, but it's just as inappropriate to fall prey to historical relativism. When a quasi-parastatal like Buganda Land Board, once an icon of respectability and solidity, transforms into a caricature of "The Systematic Land Grabbing Phantom," something must have gone wrong and someone must have been responsible. And there are people who deserve blame: management board spokesmen, members of senior management and advisory board members over the course of several years. Their leadership failures were not primarily the result of professional incompetence, since the people involved were

and are extremely well educated, often proven professionals with significant amounts of experience. The source of their mistakes lies elsewhere, in cultural factors and psychological disposition.

The Buganda-ness of Buganda Kingdom also had a significant role to play over the years. It looks as though Buganda Land Board managers wanted to free themselves from Buganda's reputation for provincialism and went so overboard the consequences can still be felt today. Because once they successfully managed to expunge everything that was Buganda about the Buganda Land Board, it suddenly seemed helpless and empty, aimless and confused. For a long time from now, the Person of the Kabaka, The Members of the Buganda Kingdom and the Buganda Land Board is broken. It might be able to extract itself from the 10,500 lawsuits it is currently involved in, or it may shrink to the point that it will no longer pose a systemic risk, or it may manage to find investors to help it scrape together sufficient capital to fulfill legal requirements. In the most extreme case, it may even be bailed out by the Ugandan state. But it is broken nonetheless when compared to that which it once was: a brand, a symbol, a Buganda Kingdom systematically organized icon. Thank God the problem was discovered in house and it has been brought to the public from in house

however even the solutions for this problem will be manufactured in house.

It may sound strange to say that Buganda Land Board needs a home as well as a strong domestic market, but Buganda Land Board's name carries weight in the world. The clichés about local Ugandans being upstanding, efficient and competent are alive and well in Asia and America. It is an image that Buganda Land Board promulgated even after it had long since pulled up its roots -- even after senior managers had begun making clear to employees and clients alike that they found their Buganda Land Board's provincial origins a bit embarrassing but had to keep it under the carpet when non but our brother John Wampamba was able to prove that the organization was illegal vide Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);It was a time when their work saw them commuting between Kyagwe and Busiro, Mawokota and Buddu identifying private mailo land on which they were busy forging titles and selling them to the unsuspecting public -- and when the needs of the global elite were more important to them than those at home. It is so absurd that as David Kyewalabye Male, Kizito Bashir and Charles Peter Mayiga where bust engineering the fraud, Wassajja, David Mpanga, Makubuya among others were busy keeping quiet and letting people hard earned savings go into these

peoples bottomless expenditure pit. With their ears and eyes closed to this fraud these people together with their cronies at Ministry of Lands, Department of Land Registration where busy dismantling what had primarily been an organized land titling system at the expense of the country. The titles forged over these lands are indeed many and they will attract a number of counts for these people.

Indeed this book not only calls for a cultural change but it also exhibits how systematic fraud can destroy a country If not dealt with decisively. The royals have embarked on Buganda Kingdom's "cultural change" campaign which is meant as a return to values, a reminder that the Buganda Kingdoms' history could still be inspiring, but it is most likely going to coincide with a flood of lawsuits and damage claims and the term "cultural change" will come to be seen as a bad joke. For example in the house we are already having cases standing like Kalemera v The Kabaka of Buganda & Anor (MISC. APPLICATION NO. 1086 OF 2017) [2017] UGHCLD 10 (10 August 2017); which is a disgrace to the Kingdom. It's now time we put aside our pride, get off the high horse and reengineered the Buganda Land Board to what it was supposed to be legally.

DAVID KYEWALABYE MALE IN THE BLUE FULL JERSEY

HOW KYEWALABYE MALE MESSED UP THE ORGANISATION

When one firm owns a majority of the stock of another firm, the accountants require the two firm s' financial statements to be consolidated. The two firm s' income numbers are combined and a common balance sheet shows all assets and liabilities. Transactions between the two firms drop out and do not generate revenues for either

firm's income statement. Buganda Kingdom has a legal framework that calls for many such subsidiaries. But subsidiaries in the Kingdom do not figure prominently in Charles Peter Mayiga and David Kyewalabye Male's "asset light' restructuring program. Buganda Land Board had to minimize the amount of debt appearing on its balance sheet in order to preserve its credit rating. The viability of its trading operations depends on an investment grade endorsement. Accordingly, when Buganda Land Board sought to enhance returns on an equity investment , it made sure it owned less investment assets properties to manage and they thought they could generate ample revenue through having multivariate leases curved out of the real estate they thought they owned. It had such fifty percent (and under) investments in an array of hard-asset investments, which will be termed as "equity affiliates." Accounting for these stock holdings will require us to proceed under the "equity method." Under this, the investee's financials are not consolidated; the investee's debt accordingly does not appear on the stockholder's balance sheet. On the other hand, intercompany transactions drop out and cannot generate revenues for either firm's income statement. Finally, the shareholder company shows a pro rata share of the investee's earnings on its income statement. This kind of wisdom has never

been in the finance team housed at our headquarters in Bulange.

Another accounting category permits a corporation to set up an unconsolidated affiliate and transact with it so that the profits from the transactions do flow through its income statement-the qualified Special Purpose Entity. SPEs tend to be high-leverage shells. The party in Buganda Land Board's position (the "transferor" or "originator") transfers a financial or investment asset to the SPE in exchange for consideration other than equity in the SPE. The SPE can raise the consideration for the asset transferred in any number of ways. If the asset has a rock-solid payment stream, it can borrow the consideration from a third party or in the public markets. It also can raise substantial outside equity capital. If the asset's creditworthiness is dubious, outside borrowing is precluded. But the SPE still can return its own debt paper to the originator. Multitudinous Generally Accepted Accounting Principles (GAAP) rules apply, mainly focused on the nature of the sales transaction between the originator and the SPE.(A statement of the current accounting rules are set out in Statement of Financial Accounting Standards (SFAS) No. 140, Accounting for Transfers and Servicing of Financial Asserts and Extinguishment of Liabilities (Mar. 2001). The previous rules are set out in SFAS No. 125, Accounting for Transfers and Servicing of Financial Assets

and Extinguishment of Liabilities (June 1996). There is also a critical IFRS(International Financial Reporting Standards rule) rule-three percent of the SPE's total capital must come from an outside equity investor,(The three percent test is an SEC accounting rule. It originated in a 1991 letter of the Chief Accountant of the SEC issued in respect of a leasing transaction. The GAAP authorities are EITF Topic D-14: Transactions Involving Special Purpose Entities; EITF 90-) who must in addition have the power to control the disposition of the asset in the SPE.(Edmund L. Jenkins, Chairman, FASB, Testimony Before the Subcomm. on Commerce, Trade and Consumer Prot of the Comm. on Energy and Commerce 9-10 (Feb. 14, 2002), available athttp://www.fasb.org/news/testimony.pdf(last visited Aug. 22, 2002) . This means that the outside equity holder must hold at least a majority of the SPE's equity:(If the equity participation is minimal-at the three percent level-then it must own 100% of the equity.) In addition, the outside equity holder's capital must be "at risk"-the originator cannot guarantee the investment's results. Finally, a legal determination as to the ''bankruptcy remote" status of the SPE from the transferor also must be made. This all may sound a little sinister, but respectable firms use SPEs every day as vehicles for off-balance sheet securitization of financial assets such as

accounts receivable and loan portfolios. In the case of accounts receivable, the transferor firm lowers its borrowing costs. In the case of a loan portfolio, the transferor firm gains liquidity and an opportunity to diversify its investments. Then other treatments will follow. To be right on track with the above you will have understood the Company Law properly, the application of standard accounting and auditing practice and the practical application therefore and in addition you will be able to think outside the box. With due respect to Charles Peter Mayiga and Kyewalabye David Male, they actually do not know things like this and indeed you cannot apply what you do not know. This should be learning to all of us who make decisions. Companies will most likely collapse or become exposed to risk depending on the nature of human resource that strategically manages their social, economic, political, legal and economic risk. This will automatically explain why whenever the public would ask for Financial Reporting Information for decisioning, you would be referred to offsite bookkeepers at Mungazi Lwaza who would actually never give you detailed financial performance of the Kingdom and its subsidiaries or on a good day you would be Labeled a rebel with the intention to overthrow the Kingdom and its strategic management.

DAVID KWEWALABYE MALE –DOING HIS PUBLIC RELATIONS

The vociferous reaction to Kyewalabye Male's self-dealing suggests a tentative explanation of Buganda Land Board's failure centered on a loss of confidence. An old economy, hard-assets firm can weather this sort of disclosure by causing heads to roll and bringing in heavyweights from outside to clean up. Buganda Land Board, however, had ceased to be a hard-assets company. Its survival depended on its trading operations, the success of which required trust and confidence among Buganda Land Board's counterparties. The scandal in the wake of the self-

dealing disclosure amounted to an external shock to the structure of confidence Buganda Land Board had erected over many years as a result of Goodwill the Kingdoms Strategic management then had built with the subjects. The firm went down with the structure, much like Drexel Burnham Lambert's (an Arthur Andersen client) collapse of a decade ago in the wake of the proceedings against Michael Milken. This neat story then gives rise to a number of questions that the public will front.

1. *Why did the Kingdom have to recruit these people for such complex job?*
2. *Was the Chief Executive Officer chose for the group's management the best at the time?*
3. *Why does the management of the Buganda Kingdom never advertise such critical jobs that involve the management of such huge amounts and complex balance sheet?*
4. *When are we ever going to separate the Politics from the administration of the Kingdom?*
5. *Does the Kingdom have auditors? What are they doing? What are the legal guys doing?*

David Kyewalabye Male has strongly contributed to have Buganda Land Board cement the words "corporate" and

"greed" together in the popular imagination. A rollercoaster entitled the "Buganda Land Board ride of broken dreams" appeared in the minds of so many ignorant Ugandans who at the end of the day thought at last they had gotten a way of having their names written on the land register without fraud. We are now faced with the need to shore up confidence in corporate Uganda, politicians were galvanized into action. No longer can companies' financial statements be taken on trust, land titles produced by the Ministry of Lands, Housing and Urban Development; from now on, directors have had to sign off personally on their accuracy.

Greed is by no means a new phenomenon. As Mark Twain put it, "Money lust has always existed, but not in the history of the world was it ever a craze, madness, until your time and mine." He was speaking at the end of the nineteenth century—an age of robber barons and Newport mansions that in many ways is comparable to the 1990s. Yet there's an important difference between the two ages. In the Gilded Age, only the wealthy could be greedy. The 1990s saw the democratization of greed. Inevitably, middle-class Uganda became attuned to and entranced by the vicissitudes of real estate property acquisition. And when people began to realize the seemingly unlimited amounts of money that could be made in the new economy,

everyone wanted in. We started to see outsized investment gains almost as a right of citizenship.

As our greed grew, the institutions that traditionally temper our baser instincts began to amplify them. Take university education, for instance. Ideally, the undergraduate classroom is supposed to broaden students' thinking, to get them to value culture and ideas above the merely material. But in 1980s Uganda, the liberal arts began to seem quaint and outdated. We increased our emphasis on vocational education, particularly the very practical arts of finance, marketing, and management—disciplines that fuel the drive for material gain. Undergraduate business studies, for example, barely existed 25 years ago; today it is one of the country's most popular majors. But if all education is subordinated to the purely practical, when do young people explore and develop their values and see their experience in a larger context?

The popularity of an undergraduate business degree is in large part a reflection of the extraordinary popularity of graduate business education. The number of MBAs granted since 1980 has more than doubled. By majoring in business as undergraduates, talented and ambitious students hope to better prepare themselves for their professional careers—and their eventual stint at one of the country's top business schools. But without the kind of moral preparation a liberal arts background can provide,

postgraduate business education can be deeply corrosive. "Leading business schools certainly played a role in legitimizing the culture of easy money in the late 1990s. "The MBA was turned into a two-year sabbatical for students to write business plans that could make them very rich, very fast. The pitch business schools made to students in the late nineties was, 'You'll need connections. We've got them.' When that becomes a primary, explicit selling point for management education, then you have to wonder what the schools are really teaching.

Now business is reeling from the inevitable—and equally puritanical—backlash. Having created the image of the CEO as hero, the press is now busy portraying the CEO as crook. It is, of course, just another form of pandering to the public, though this time the intent is to relieve us of our own culpability. We aren't the greedy ones—they are. In a strange and disturbing coincidence, our anger seems to be exaggerated by the destruction of the Ministry of Lands, Department of Land Registration and Administration, which happened just before the initial disclosures of Buganda Land Board's malfeasance.

But as we try to blame others, we will likely go too far. In vilifying greedy CEOs, we may end up turning away from the very people who are most qualified to provide good corporate leadership in the difficult days that lie ahead. In one recent article on greed, the New Yorker argued

that "Above all, it is time to downsize the myth of the all-powerful CEO…[m]ost CEOs are eminently replaceable." There may be some truth in this, but many of the psychologists I talked with believe that there is a strong argument to be made in defense of the narcissistic personalities we have begun demonizing. From work experience Jjuuko Joseph Kiyimba says," CEOs "do need to have a certain amount of grandiosity if they are going to lead. Without large egos, most CEOs generally can't successfully grow their companies." Replacing ambitious egotists with modest men may soothe our rage, but it may also further damage our economy. In comparing Engineer J.B. Walusimbi former CEO Buganda Kingdom with his onetime opponent Charles Peter Mayiga, a critic claimed that Walusimbi was the better man because he was more modest. Charles Peter Mayiga, with characteristic wit, riposted, but "he has much to be modest about."

At the end of it all David Kyewalabye Male will always be remembered as one of the man who engineered one of Uganda's biggest land frauds with a brand name Kyapa Mungalo. Today in the workplace we face the rise of narcissism – from Gen-Y (all about me) to Millenials (instant everything). Millenials are 30% of workforce and 81% think they should set their own schedule and almost one-third would leave their job if they got a better offer. 'Loyalty' and 'values' seem to be ill-defined commodities

for many. So what's needed? What should organizations do to overcome this problem? Every organization needs fully engaged employees and they should have documented vision, mission and values to set the tone. But statements up on the wall are not enough. I'm reminded of the manager who catches his employee wandering into work late again for the third time in a single week and collars him as they stand in the office foyer. He says to the employee: "Is it ignorance or apathy that's the reason for you turning up for work late almost every day?" The response was laconic: "I don't know; and I don't care."

Kyewalabye Male David's Buganda Land Board is unbelievable. Pure fraud at many levels and they also applied an obscure and dubious accounting practice called 'Kyapa Mungalo leases over private mailo land using a misrepresented legality.' The concept was to book future hypothetical titles based on ideas they had with unproven contracts to recognize it in them in their books as profit and, believe it or not, they ended giving lease titles to the unsuspecting public that almost believed the lie!

When we discussed this matter with the learned lawyer Peter Mulira he said, How I wish these people in the Buganda Land Board and the Ministry of Lands, Housing and Urban Development had understood the importance of the truth? We must be the person worthy of the success

we seek. Our behavior matters in achieving results and that's because people matter, both customers and staff.

The greatest risk to any business is not on the balance sheet, it's the values within the people of power inside the organization and those who represent the brand. Do you really know what your values are? Do you know what you stand for? Are you and your team truly driven by your mission and purpose, personally and corporately? David Kyewalabye Male please help us understand what happened?

250 years ago a company was started by an Irish man who wanted to help people having their lives ruined by potato-based spirits which were rotting stomachs and causing terrible alcoholism. His name was Arthur Guinness and his drink was brewed for high nutrition and relatively low alcohol content…. He showed you can make money and make a difference, that you can do well and do good, that you can even serve humanity being a factory worker brewing beer. 100 years ago Guinness was providing free medical and dental care for employees, they paid for funerals, helped employees with housing, gave huge sums away to charity… and free beer every day! Unlike modern companies who offer some of these perks to attract the best talent, they did it because it was how they could live their values. Charles Peter Mayiga, David Kyewalabye Male and Kizito Bashir among others, the people we serve are

better than anything else we can accumulate. GREED, ARROGANCE AND PRIDE are the primers of the fraud you guys engineered at the Buganda Land Board. We remember Mukajanga for having killed the Uganda Martyrs, you will for ages be remembered as the icons of the country's most brazen land heist. We must be the person worthy of the success we seek. Our behavior matters in achieving results and that's because people matter, both customers and staff.

KIZITO BASHIR JUMA

MR. KIZITO BASHIR JUMA
HEAD PHYSICAL PLANNING, SURVEY AND RESEARCH

He Holds a Bachelor of Science degree in Surveying (Hons) of Makerere University and a Diploma in Law of the Law Development Centre. He has worked in private practice since 2003 (MBK Surveyors Ltd) till 2007. He joined Nakaseke District Local Government as Staff Surveyor and later as a District Staff Surveyor. He is a Member of the Institute of Surveyors of Uganda (ISU).

To understand the story behind this man we should first get the definition of fraud and thereafter do a correlation with his career resume, Thus, the elements of a fraudulent misrepresentation claim are that: (1) defendant made a material false representation; (2) defendant

intended to defraud the plaintiffs thereby; (3) plaintiffs reasonably relied upon the representation; and (4) plaintiffs suffered damage as a result of their reliance (Gizzi v Hall, 300 AD2d 879, 880 [3rd Dept 2002]). The burden of proof on these elements is by clear and convincing evidence (Simcuski v Saeli, 44 NY2d 442, 452 [1978]). Consequently, in the case before us the authors of this book claim that the leases curved out of the private mailo land by the Buganda Land Board which is an entity for which Kizito Bashir Juma holds the status above presented is engaged in a fraudulent sale of the same to the unsuspecting public hence denying the landlords registered on the same pieces of land whose registration is backed by section 7 to 32 of the registration of titles act and further affirmed by clause 176 (e) of the registration of titles act are put to a substantially greater burden of proof than the preponderance of the evidence standard. Rather, the authors who are also beneficiaries to the Estate of Yusufu Suuna Kiwewa among others must establish evidence with clear and convincing proof that it is highly probable that what they claim happened, actually did (Szpakowski v Shelby Realty, LLC, 15 Misc. 3d 1146 [A], 2007 NY Slip Op 51186[U] [2007], lv dismissed 48 AD3d 268 [1st Dept. 2008]; lv denied 12 NY3d 708 [2009]). Thus, applying the facts of this case to the applicable standard of proof outlined above, the authors

vide the evidence given in the prior parts of this book have been able to prove the fraud committed by the Buganda Land Board Limited by providing clear and convincing evidence that Buganda Land Board had actual knowledge of the alleged defects existing under the titles originally registered under private mailo and would have inured to the benefit of the descendants of the persons registered there in and deliberately misled the private mailo landlords who despite the resistance where halted by the fraudster and where also able to successfully cheat the unsuspecting people who have now become illegally registered under leases provided under Kyapa Mungalo Leases with respect thereto. In the case before us, the Buganda Land Board was able to make leases over the land on block 269 wakiso among others in a manner that is illegal after having connived with the officials of the Ministry of Lands, Housing and Urban Development, department of Land Registration Land Administration among others. The titles we are talking about apply to a real property estate baptized Mirembe villas by the fraudsters and another on which the same was done are the condos and land that belong to a company called Picfare Industries Limited. The leases over the land were issued as special titles. In view of the above provisions once a Special Certificate is issued on application by the registered proprietor it shall become a replacement for the lost or destroyed Certificate of

Title for ever. Even if the original duplicate Certificate of Title was to be found, it would be the registered proprietor and not anybody else to seek its reinstatement and more importantly, the Registrar of Titles would call for surrender of the Special Certificate of Title for purposes of cancellation. This was not done, and therefore the registered proprietor, holder of the Special Certificate of Title was denied opportunity to be heard in reversing the status of the Register. This was irregular and illegal and Courts of Law can perpetuate illegality once brought to its attention.

Section 77 of Registration of Titles Act states:-

"Any Certificate of Title, entry, removal of encumbrance, or cancellation, in the Register Book, procured or made by fraud, shall be void as against all parties or privies to the fraud."

I need to resolve whether Buganda Land Board acted fraudulently when they applied for or procured cancellation of the Special Certificate of Title which was in the hands or possession of the registered owners of the private mailo land in question that had got registered vide the details known as ownership of land which originate from Final Mailo Certificates. The Registration of Titles Act defines a Final Mailo Certificate as "a certificate by which the title of an African of Uganda to land is finally recognized"

and section 7(3) of the same Act provides that "All land included in a every final certificate shall be deemed to have been registered under the Act, and no application to bring such land under the operation of this Act shall be necessary."

Accordingly, contrary to what the commissioner said, Ssuna has a title to a mailo interest because he was issued with a Final Mailo Certificate No 18570 on June 6, 1906 and his interest is traceable to the 1900 Buganda agreement under which the four brothers of Kabaka Sir Daudi Chwa namely; Princes Joseph, Augustine, Ramzan and Yusufu Ssuna were each given eight square miles. Four of of Ssuna's eight square were surveyed and recorded on Cadastral "Cartridge" Map Sheets 71/1/21 and 22 and 71/3/1 and 3 at the department of Mapping and Surveys, Entebbe, which reveal the following details: Place: Bunamwaya, Lweza., Lubowa, Naziba, Nakukuba and Mutungo. Final Certificate: 18570mProvisional Certificate: 6726,Final Certificate Area: 4 Square Miles.Owner: Yusufu Ssuna Omulangira. Date: 6th June 1906 In 1903 Ssuna leased 843.6 acres at Nakukuba and Mutungo and 708.8 acres at Lweza, Lubowa and Naziba to Captain Hill and Mr Ormsby respectively under Grant numbers G.8843 and G. 9854.The procedure in which Europeans could take interest in mailo land was provided for under the Crown Lands Ordinance 1908 which covered

both Crown land and mailo land leased to Europeans. The following sections are pertinent: 10. No lease of Crown land (read mailo land as well) shall exceed ninety nine years.|14. Except where expressly varied or excepted there shall be implied in every lease under this Ordinance covenants by the lessee (a) not to assign, except by will, the land leased or any part of it without the previous consent of the Commissioner (Governor.) .To arrive at the correct decision there is need to examine the circumstantial evidence available.

It is wrong for the commissioner to dismiss microfilm records as irrelevant to the present status of the land. Microfilms are important adjuncts to our system of land administration because they provide the root and history of every title to land. The reasons why they are very important to our registration is that they are records that where the basis of the white pages information that was only drawn from the 1960s, Evidence of the above presents can be obtained from England and further affirmed by the former Commissioner of Lands , Karibwende and Kajumbula.

Fraud has been adequately defined by superior of Courts in Uganda. In Fredrick J. K. Zaabwe Vs Orient Bank Ltd. Civil Appeal No. 4 of 2006 (Supreme Court) which has been widely followed stated that fraud is "intentional perversion of the truth for purposes of inducing another in

reliance upon to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact whether by word or by conduct, by false or misleading allegations, or by concealments of that which deceives and is intended to deceive another so that he shall act upon it to his legal injury." "... Anything calculated to deceive, whether by a single act or culmination, or by suppression of truth, or suggestion of what is false, whether it is by direct falsehood or the innuendo by speech or silence, word of mouth, or look or gesture ... a generic term, embracing all multifarious means which human ingenuity can devise and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated..."

In my most considered view the facts and circumstances in which the Person of the Kabaka of Buganda through his agent the Buganda Land Board got registered on the Register of the suit property was dishonest, willful perversion of the truth, a total false misrepresentation of the truth to deprive the beneficiaries of the Estate of Yusufu Suuna Kiwewa of their legal right of being the owner and registered proprietor of the suit property and the theft is further proved by the forceful occupation of the land using private military agencies which have even

destroyed the property of the landlords in order to build the Mirembe villas, an act that equates to malicious damage to property. Therefore, Person of the Kabaka of Buganda through his agent the Buganda Land Board's registration was illegal and fraudulent and no Court of law would uphold it or allow her to take advantage of it. Law does not permit a grantee of a Power of Attorney to derive personal benefits directly from its exercise or the discharge of personal liabilities when they are not interests of the grantor expressly provided for by law or the grant. In the instant case if the registered proprietor had intended to transfer the property in the names of the alleged Attorney he should have done so by executing a transfer deed. The Registrar of Titles ought to have rejected this illegal transfer and any diligent search should have included investigation of the entry into the Register immediately before his/her purchase which called for seeking of the Instruments (Transfer deed) that gave rise to registration of his/her seller. This in my view would constitute a diligent search of the Register.

In the case before us the fraudsters are Person of the Kabaka of Buganda through his agent the Buganda Land Board. The person of the Kabaka is physical and can represent himself on this matter, however the Buganda Land Board is a private concern and the strategic managers therefore include one Kizito Bashir whose

photograph is here below put. As quoted in the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); the learnt Lord Justice Honourable Lady Justice Eva K. Luswata stated that,"…… No evidence was adduced to show that the Buganda Land board is a body corporate which was incumbent upon the respondent as the plaintiff. The result is that the respondent sued a non-existing person. The suit is thereby bad in law and an abuse of court process. The court has through its own independent investigations confirmed that the Buganda Land Board is a business arm of the Buganda Kingdom which was instated constituted to manage the kingdom land and buildings. Accordingly depending on where this land is situate, the right party to be sued should have been the Kabaka of Buganda. Indeed, Article 246 (3) (a) of the Constitution provides that:

"The institution of a traditional leader or a cultural leader shall be a corporate sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned."

Therefore, the claim in Civil Suit No. 244 of 2013 against the Buganda Land Board is dismissed for being instituted against an entity or person having no legal existence or an entity not known in law……"

After having become privy to the above information that says that the Buganda Land Board is illegal, the Person of Kyewalabye Male David, Charles Peter Mayiga and Kizito Bashir Juma used it as a special purpose entity through which they sold Kyapa Mungalo leases, a fraudulent leasing scheme between the Buganda Land Board officials mentioned above among others and the Ministry of Lands, Housing and Urban Development, department of Land Registration Land Administration. The person of Kizito Bashir in these fraudulent scheme was the Head Physical Planning, Survey and Research and is one of the key architects of the fraud.

In the instant case, Kizito Bashir will want himself be declared nonparty to the case. This is impossible because it seems for a long time, Mr. Kizito Bashir and his colleagues in this case have used the non-extant company to transact business in there forged titles using this special purposes vehicle. Please recall that in the case of Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014); the learnt Lord Justice Honorable Lady Justice Eva K. Luswata stated that,"…… The application is supported by the affidavit of Bashir Kizito Juma the Head Land Management Department of the applicant in which he states inter alia that:-

1. *The applicant herein was wrongly sued and or unnecessarily dragged to court in civil suit No. 244 of 2013.*
2. *The applicant is a non-existing person with no capacity to sue and or be sued.*
3. *The respondent's suit is barred by law, misconceived, incompetent, frivolous and vexatious, and an abuse of court process.*
4. *The respondent/plaintiff has no cause of action, or at all, against the applicant.*

The respondent despite having been served with court process did not file an affidavit in reply and no reasons were advanced to explain either the respondent's or his counsels' absence. The applicant applied to have the application to proceed exparte under Order 9 rule 20(1) CPR which was granted by this court……..."By virtue of his presents we get it from Kizito Bashir's own Mouth that the Buganda Land Board actually does not exist. So the question will be , under what legal merit does it do business and bind people contractually? In the case concerning the forged leases for Kyapa Mungalo over the private mailo land MR. Kizito Bashir is one of the product champions. We therefore have to take the case a notch higher and make it attributable to him. This cause his grip

on the fraud and grounds it robustly. Further evidence about Kizito Bashir Jumas involvement in disclosure of the fraudulent scheme can be obtained from https://www.ugandanconventionuk.org/report_UCUK2018.pdf below. KIZITO BASHIR, Buganda Land Board at the Uganda Convention United Kingdom marketing giving assurance on his products that are taint with the underlying fraud above described is trite evidence. The detailed copy of the convention presents is here below put. But prior to that please have a detailed image for the fraudster Kizito Bashur Juma for your recognition.

Mr. Kizito Bashir Juma
Head Physical Planning, Survey And Research,Credits to NTV

Mr. Kizito Bashir Juma knew or should have known that there were material structural defects in the titling he was issuing over the private mailo not in the name of the Kabaka of Buganda in line with effect 68 of the registration of titles act, Cap 230 at the time he signed the undertaking with the Ministry of Lands, Housing and Urban development, department of Land Registration and Administration. The private mailo landlords argue that Kizito Bashir Juma, Kyewalabye Male David and Charles Peter Mayiga among others are experienced tradesman and real estate dealers and that knew what type of land actually fit into the product they were selling, should have known the legalities under which they operate having been appointed the Person of the Kabaka agents. The private mailo landlords further allege that Kizito Bashir Juma, Kyewalabye Male David and Charles Peter Mayiga among others knew how the legal framework that could have given their clients a merchantable fee simple free of liens and encumbrances and they also new about the ruling in Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014);but did not disclose to the purchasers of the fraudulent Kyapa Mungalo they devised which further provides evidence of the actual fraud perpetrated by these people, Thus, Kizito Bashir Juma claim that when the purchasers of Kyapa

Mungalo signed the deeds he was well aware of the structural defects and deliberately lied to them in that regard on the titles hence making them culpable for the fraud.

Kizito Juma Bashir
Head Physical Planning, Survey and Research
Uganda United Kingdom convention representative

In the case before us, its undisputed that Kizito Juma Bashir is an agent of the Buganda Land Board. Because of turmoil in the real estate markets, the past decade has seen a surge in prosecutions for mortgage fraud. State agencies are on the lookout for evidence of fraud-for-

profit schemes. The public, which has been deeply harmed by the mortgage meltdown, supports this stepped-up prosecution. This is the reason why its critical to have such publications done to hedge against frauds that exist in this country merely as an off shoot of greed ,arrogance and pride.

In the case before us Mr, Kizito Bashir Juma declared the nonexistence of the Buganda Land Board. He however continues to be the man encouraging the business involving his forged lease titles over private mailo land to be sold within there.(Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014).

The Fraudsters for the Buganda Land Board thought that they would use the ruling in (Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014). As an avenue to escape legal culpability based on the common law old legal doctrine of Ex Turpi Causa Non Oritur Actio Law, however they forgot to reason that the law will not be seen to give a person with an unfair accord way out to escape culpability.

Ex turpi causa non oritur actio *is a Latin term which means "from a dishonorable cause an action does not arise." This legal doctrine states that a person will be unable to pursue a cause of action, if such action arises as a result of his/her*

own illegal act. Hence parties who knowingly entered into an illegal contract may not be able to enforce it;; a person injured by another while jointly committing a serious crime may not be able to sue for damages. This principle is relevant in the law of contract, tort and trusts. ***Ex turpi causa is also known as the "illegality defense." Infact this explains the reasoning that was used by Charles Peter Mayiga when the Kabaka of Buganda questioned the manner within which Kyapa Mungalo is being done. Charles Peter Mayiga responded that,"…… But when launching the 'Kyapa mu ngalo' programme on April 18,2017, the Buganda Katikkiro (prime minister) Charles Peter Mayiga said Kabaka had directed that all fully registered tenants on kingdom land be issued with 49-year lease titles and advised those who have not yet registered their bibanja to do so to benefit from this programme .The six -month 'Kyapa mu ngalo.'" The programme, according to Mr Mayiga , will help soothe land disputes in the kingdom and also help tenants on Kingdom land legitimize their tenancy and be able to access financial credits. However, Mr Mayiga later clarified that registration was not compulsory and tenants who don't see the importance of owning lease titles were free to continue paying nominal ground rent (Busuulu)……"***

In making the underlined statement for emphasis, the registration for Kyapa Mungalo was not mandatory and this

makes me thing it was simply people subjecting themselves voluntarily to risk.

It's really absurd that Charles Peter Mayiga could tell people to subscribe to a product that was being traded by an illegally declared company by statute. In furtherance Charles Peter Mayiga is a practicing lawyer who should also have been aware of the ruling in Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014. The Supreme Court upheld the Constitutional Court decision that the Land Acquisition Act was inconsistent with Article 26 of the Constitution and therefore unconstitutional. The Supreme Court held further that whereas Article 26 was not among the non-derogable rights, this does not give powers to Government to compulsorily acquire people's land without prior payment, and that such planned Government projects do not fall under the exceptions of disasters and emergences. *In his wisdom, Charles Peter Mayiga should have known that Chapter 247 ,***Traditional Rulers (Restitution of Assets and Properties) Act 1993 is *An Act to give effect to article 118A of the Constitution of 1967 and to restore to traditional rulers assets and properties previously owned by them or connected with or attached to their offices but which were confiscated by the State and to make other provisions relating or incidental to, or consequential upon, the foregoing.*** ***This implies that it was***

supposed to be read with other acts, having been privy to the presents of the prior acts at the beginning of this book, there is nowhere its stated that the Kabaka of Buganda should take other people property. In fact at the making of the law governing the operation of the Buganda Land Board and the Uganda Land Commission, the 1961 Buganda Agreement under effect 19 ,Crown Land in Buganda States as per interalia. Effect number 6 prohibits the Buganda Land Board from dealing with land that was dealt with using prior legal frameworks. This implies that the Buganda Land Board does not have any mandate over land qualifying as registered in under the following laws

1. *Land qualifying as registered under the 1924, Registration of Titles Act no, Cap 230.*
2. *The Busuulu and Envujjo law of 1928 represented a r evolution in the socioeconomic relations in the protect orate. The law created new relations between landlor d and peasants by reducing the arbitrariness and inse curity in those relations. Economically the tenants gai ned security of a use of the land and this ensured th at cash crop production continued.*
   Look at Mwenge v Migade (1933
3. *The Land registered as grants and leases vide the Registration of Titles ordinances which have its*

position dealt with under articles 3 to 40 of the registration of titles act.

Indeed legally there is no mandate that can be given to the person of the Kabaka of Buganda to make titles over the private mailo lands that he does not own as per the legal framework ruled in the case of Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014. Indeed the Uganda National Roads Authority Vs. Irumba Asumani & Peter Magelah, Supreme Court Constitutional Appeal No.2 of 2014. Indeed the intentions of the framers of Chapter 247 ,Traditional Rulers (Restitution of Assets and Properties) Act 1993 simply wanted to restitute the position within which the cultural assets stood before making the 1967 and had no intentions of donating other people land to one person. The fraudsters in Buganda Land Board simply leaned on the law and are using it as a tool of stealing the land that actually does not legally belong to the Kabaka. Its with this wisdom that the Chief Executives o the Buganda Land Board and the Buganda Kingdom should have focused on for this is the correct legal interpretation. It's also critical to note that there is no way this could be justified because at the end of the Chapter 247, The Traditional Rulers (Restitution Of Assets And Properties) Act are a number of cross references that are detailed as Constitution of 1967,Constitution

(Amendment) Statute, Statute 7/1993,Registration of Titles Act, Cap. 230 and Special Pensions (Former Rules and Constitutional Heads) Act, Act 19/1967. These documents are supposed to be read together but the people in Buganda Land Board private limited have totally neglected them for they will not support the fraud they intend to do legally. The Kyapa Mungalo titles issued over private mailo land cannot be right because it is a lease title on mailo land issued not in compliance with effect 68 of the registration of titles act caption 230 and is also being done in contradiction with effect 19 (Crown Lands) sub effect 6 which prohibits the Buganda Land Board and the Uganda Land Commission rules from tampering with land that falls under statutes. Secondly, it is affected by a wrongful usurpation of land belonging to an African Ugandan (citizen) to be given to person of the kabaka of Buganda and his agents without complying to effects 26 of the constitution of Uganda and therefore effect 2 of the constitution should be applied. Lastly what is unconstitutional cannot be right.

In the case of Kyapa Mungalo lease on private mailo land, the legal shenanigans in Buganda Land Board fail to consider these facts and they have therefore embarked on selling private mailo land in form of leases illegally. This is wrong and the judiciary system of our country does not support it as ruled in the case of Uganda National Roads

Authority v Irumba & Anor (CONSTITUTIONAL APPEAL NO.02 OF 2014) [2015] UGSC 22 (29 October 2015);

where In The Supreme Court Of Uganda at Kampala(Coram: Katureebe Cj, Tumwesigye, Arach-Amoko,Jjsc, Odoki, Tsekooko, Okello, Kitumba, Ag. Jj,Sc.) CONSTiTUTIONAL APPEAL NO.02 OF 2014

stated that,"…….. "26 protection from deprivation of property. Every person has a right to own property either individually or in association with others. No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied- the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and the compulsory taking of possession or acquisition of property is made under a law which makes provision for-prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property and a right of access to a court of law by any person who has an interest or right over the property."

After considering the historical background in this country where people's properties were compulsorily acquired by government during the past regimes, the Constitutional Court concluded that the 1995 Constitution is very

restrictive on the powers of the government to acquire land compulsorily. The Constitution also provides for prior payment of compensation before taking possession or acquisition……" and therefore the learned friends above cannot be in the same position with a party who says that,"……Buganda Land Board is a Company that was entrusted to manage Buganda Kingdom land that was returned under the restitution of Assets and properties Act 1993, Cap.247 which included the 350 sq. miles and over 300 sq. miles returned in the agreement signed between the president of Uganda and His majesty the Kabaka of Buganda in August 2013.It has branches and service centers in all the 18 counties of Buganda to offer effective service delivery to all its clients. Indeed there is no law in the land that donates another person's land to anybody without legal compliance .It's this that forms the basis of the fraud practiced by the person of the Kabaka and the Buganda Land Board and its agents and close persons. Now given that the Buganda Land Board is illegal vide the ruling in (Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014] UGHCLD 91 (20 February 2014). We have to look for the people who are in charge of forging the leases titles on private mailo land and those who are in charge of selling the forged leases and these include Charles Peter Mayiga,David Kyewalabye Male and Kizito Bashir Juma.

This has its legal foundations in the legal rule that where one of two innocent parties must suffer from a wrong, he must bear the loss whose action enabled the wrong to be done, this has an application to the case where the Buganda Land Board agents sold the parties Kyapa Mungalo forged over private mailo land without fully concealing the information underlying the mailo land or freehold that is the parent of those leases and the circumstances surrounding them. In a recent case in this court it was shown that this rule, at best, is one applicable only in peculiar emergencies, and the limitations upon it were very clearly pointed out by Judge FINCH. (Rapps v. Gottlieb, 142 N.Y. 164.) If we were to ask what it was that the Buganda Land Board Limited agent Kizito Bashir Juma, David Kyewalabye Male and Charles Peter Mayiga among others did to enable the wrong in this case to be committed, it would be easy for the learned counsel presenting them to answer it for it has prior been expounded. The only answer to be found in his argument is that the Buganda Land Board agents not withstanding its legality signed the deed. Moreover, the Buganda Land Board Limited agent's signature to the paper is genuine, procured by some trick or artifice, it was delivered or acknowledged by the Buganda Land Board by seal, and these two acts must be imputed to them before any one can say that they, in any degree, contributed to the

success of the fraud. There were all acts and declarations on their part that enabled any them to deceive third parties by means of a false record. That record was made by the production of a spurious paper to the notary, who was, in some way and by another trick or artifice, induced to attach his official signature to a false certificate. Indeed, it's this that contributes to Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others fraud committed over private mailo titles that are registered in the names of individuals.

Kizito Bashir Juma
Credits, NBS Television

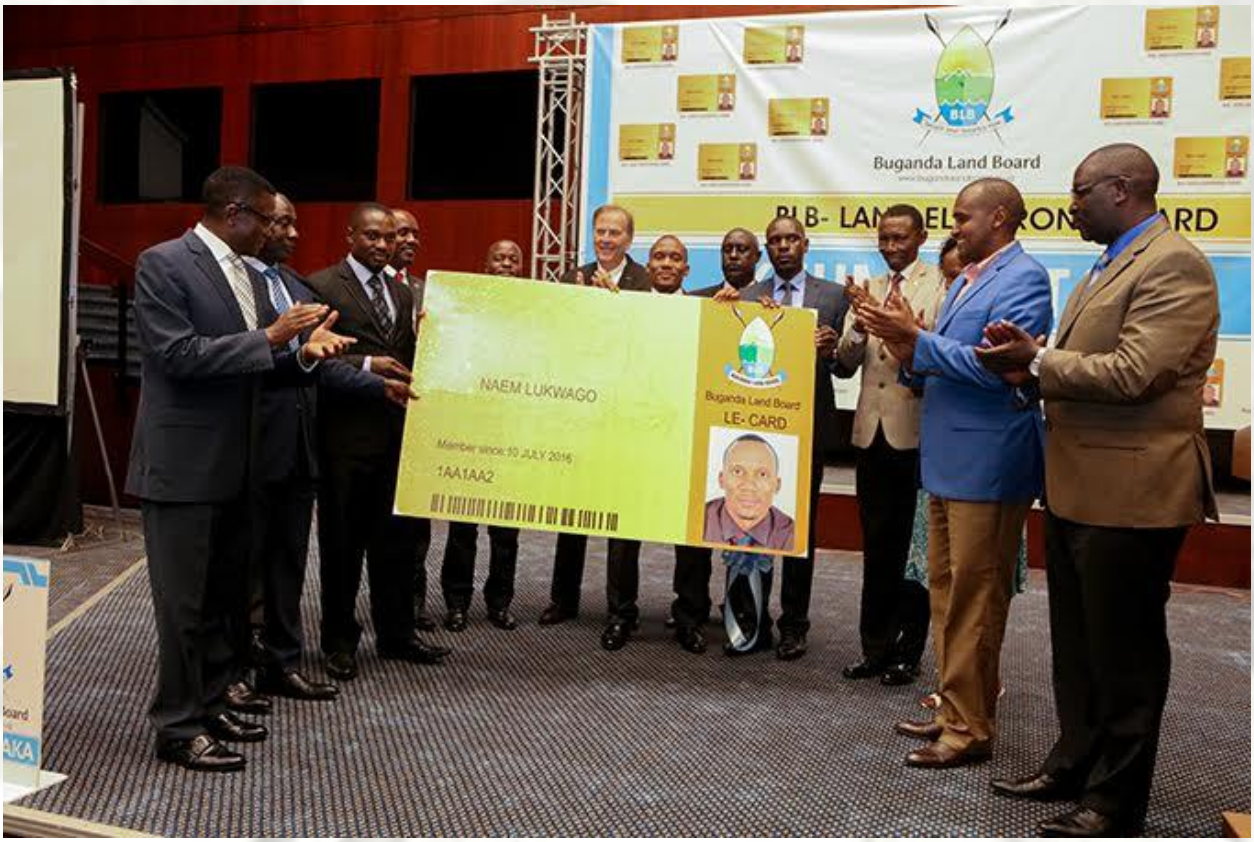
In deed a man who in the case of (Buganda Land Board v Wampamba (MISC. CAUSE NO. 622 OF 2013) [2014]

UGHCLD 91(20 February 2014). Who swore by the affidavit that the Buganda Land Board does not exist was the one carrying out campaigns for Kyapa Mungalo forged over private mailo land illegally and selling it for his personal benefit. ***This man is extremely fraudulent and this fraud is directly attributable to him vide the legalities below.***

Kizito Bashir Juma
Credits, NTV Television

In the matter before us concerning the communication of Kyapa Mungalo leases made out of private mailoland for the benefit of the Buganda Land Board fraud, Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga

among others (1) engaged in a false, misleading, or deceptive act or practice, (2) committed fraud, (3) made a negligent representation, (4) committed statutory fraud, and (5) secured the execution of a document by deception. When parties attack the legal sufficiency of the evidence supporting an adverse finding on an issue on which they did not have the burden of proof, they must show there is no evidence to support the adverse finding. See Croucher v. Croucher, 660 S.W. 2d 55, 58 (Tex.1983). In evaluating the legal sufficiency of the evidence to support a finding, we must determine whether the evidence, as a whole, would enable reasonable and fair-minded people to differ in their conclusions. See OAIC Commercial Assets, L.L.C. v. Stonegate Village, L.P., 234 S.W.3d 726, 736 (Tex.App.-Dallas 2007, pet. denied). We view the evidence in the light most favorable to the finding, crediting favorable evidence if a reasonable fact-finder could and disregarding contrary evidence unless a reasonable fact-finder could not. City of Keller v. Wilson, 168 S.W.3d 802, 827 (Tex.2005). Anything more than a scintilla of evidence is legally sufficient to support a challenged finding. See OAIC, 234 S.W.3d at 736.



Katikkiro of Buganda Kingdom Peter Mayiga together with Min of ICT Frank Tumwebaze, BLB Team and Viva Compliance Tech team unveil the BLB LE-CAR

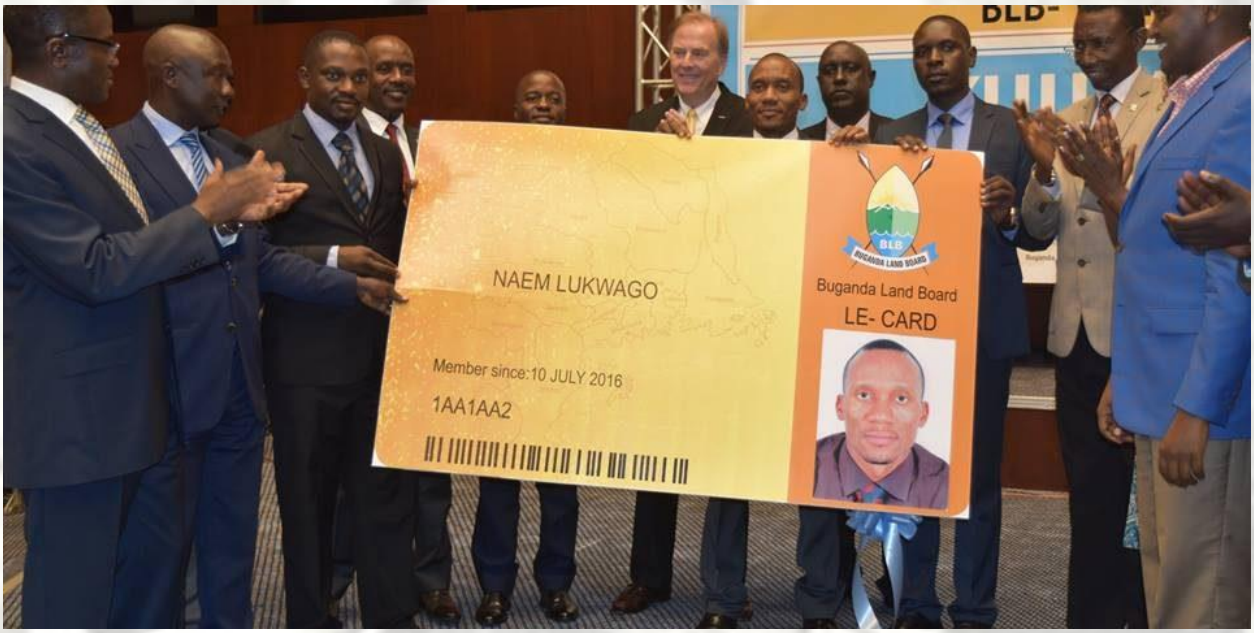
The legal charge on all five claims against Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others required a finding that Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others had actual knowledge of the defective condition of the property. In effect, the beneficiaries of leases forged over private mailoland for Kyapa Mungalo by the Buganda Land Board with the aid of the Ministry of Lands, Department of Land Registration and Administration to perfect the fraud are just enough to prove that Kizito

Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others knew the about the prior registrations like the one for at Place: Bunamwaya, Lweza., Lubowa, Naziba,Nakukuba and Mutungo.Final Certificate: 18570 Provisional Certificate: 6726,Final Certificate Area: 4 Square Miles.Owner: Yusufu Ssuna Omulangira. Date: 6th June 1906 and the one on FC 18454 Block 273 Kyadondo registered in the names of H.H Daudi Chwa among others and illegally went on to issue Kyapa Mungalo titles over the same with an interest of defeating the prior relationship. Even if the original duplicate Certificate of Title was to be found, it would be the registered proprietor and not anybody else to seek its reinstatement and more importantly, the Registrar of Titles would call for surrender of the Kyapa Mungalo leases issued over private mailo land without the consent of the registered landlords for purposes of cancellation. This was not done, and therefore the registered proprietor, holder of the mailo Certificate of Title was denied opportunity to be heard in reversing the status of the Register. This was irregular and illegal and Courts of Law can perpetuate illegality once brought to its attention.

The private mailo land landlords together with the lessees for whom Kyapa Mungalo leases where fraudulently made by the Buganda Land Board limited and its agents contend the evidence presented to prove the fraud in

these cases is legally sufficient to support a finding that Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others of the condition of the property at the time it was purchased by the people who purchased leases under Kyapa Mungalo curved out of private mailo land without the owner's consent. After reviewing the entirety of the evidence, we agree that indeed the fraud that was talked about by the media Guru Tamale Mirundi and Sheik Muzaata about Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga, Buganda Land Board Limited among others is indeed true vide the above concrete evidence.

Given the clarity of our law that a forged deed and title is void ab initio, and that it is a document without legal capacity to have any effect on ownership rights, the question remains whether a claim challenging a conveyance or encumbrance of real property based on such deed is subject to a time bar. Our case law permits only one answer: a claim against a forged deed is not subject to a statute of limitations defense. Buganda Land Board wholly fails to address Kyapa Mungalo leases issued over private mailo land without the consent of the registered land lords and the well-established authority distinguishing forged deeds and titles as well as void ab initio from instruments that are merely voidable. We are unpersuaded.



Buganda Land Board launches land smart card

However, Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others ignore the significant public policies underlying our real property system, which have animated the previously discussed real property rules that treat forged deeds and titles as well as a legal nullity. The public policy concerns that underlie prohibitions on enforcement of illegal contracts are surely no more consequential than those applicable to forged deeds and titles, and a forged deed and title as well is no less offensive to our legal system than an illegal contract. Indeed, Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others will agree with the authors of this book that Uganda has determined that forgery is sufficiently morally unacceptable and dangerous to society

that our State has criminalized forgery, subjecting wrongdoers to potential criminal prosecution with the attendant risk of incarceration (see Penal Code). Therefore, we will not impose Kyapa Mungalo titles made over private mailo land which cannot be traced to Uganda Land title history and hence unconstitutional in our land because the resulting prejudice to the "rights of the true owner of real estate" only "open[s] the door for the destruction of all titles, and makes[s] it much easier for the criminal to purloin real than personal property" At last the evidence herein is concrete enough to put an end the fraudulent scheme for Kyapa Mungalo fraud and at its finally busted after a lot of legal justification.

At common law, a person is not entitled to reap any financial benefit from his or her own wrong. This is because the law recognizes that, in the public interest, such acts should be deterred and moreover that it would shock the public conscience if a person could use the courts to enforce a money claim either under a contract or otherwise by reason of his having committed such acts. No person can claim indemnity or reparation for his or her own willful and culpable unlawful act. Such a person is under legal disability precluding him or her from stating a claim. The maxim ex turpi causa non Oritur Actio was explained by Diplock L.J, in Hardy v. Motor Insurers' Bureau,

[1964] 2 QB 745, [1964] 2 All ER 742 in the following terms;

The rule of law on which the major premise is based, ex turpi causa non Oritur actio, is concerned not specifically with the lawfulness of contracts but generally with the enforcement of rights by the courts, whether or not such rights arise under contract. All that the rule means is that the courts will not enforce a right which would otherwise be enforceable if the right arises out of an act committed by the person asserting the right (or by someone who is regarded in law as his successor) which is regarded by the court as sufficiently anti-social to justify the court's refusing to enforce that right.

Generally, decisions in which the ex turpi causa defence has been applied have required the existence of joint illegal conduct by the parties. It precludes damage awards that allow a person to profit from illegal or wrongful conduct or that permit evasion or rebate of a penalty prescribed by the criminal law. If a plaintiff's conduct was in contravention of the law and if this conduct was a factor in producing his or her injury or loss, the plaintiff may well be found guilty of being the author of his or her own misfortune. Individuals must take responsibility for their actions. Ex turpi causa, properly understood, applies to deny recovery where lending the court's assistance to persons involved in serious criminal or

dishonest activity would reflect adversely on the administration of justice. The doctrine of ex turpi causa non Oritur actio is a defence that invalidates an otherwise valid and enforceable action in order to preserve the integrity of the legal system. There is nothing legal that we can get from the Buganda Land Board or its agents except making them culpable for their brazen fraud.

Charles Peter Mayiga and others at Buganda Kingdom orchestrated a scheme to use off-balance-sheet special purpose vehicles (SPVs), also known as special purposes entities (SPEs), to hide its mountains of toxic assets from investors and creditors. The sudden and unexpected collapse of Buganda Land Board was the first in a series of major corporate accounting scandals that has shaken confidence in corporate governance in Uganda. Only months before Buganda Land Board's bankruptcy, the firm was widely regarded as one of the most innovative, fastest growing, and best managed businesses in the Ugandan. It now appears that Buganda Land Board was in terrible financial shape as early as 2014, burdened with money-losing businesses, but manipulated its accounting statements to hide these problems. Why didn't the watchdogs bark? This book briefly examines the accounting system that failed to provide a clear picture of the firm's true condition, the independent auditors and board

members who were unwilling to challenge Buganda Land Board's management to an extent that David Kyewalabye Male (Chief Executive Officer of the Buganda Land Board) and Martin Kasekende (Board Chairman) had to open up a libel and deformation case that was media spread about Jjuuko Joseph Kiyimba and Jjuuko Kayima Richard who had successfully exposed this fraud to the public over the worldwide web on facebook and other electronic media, the 19 commercial Bank credit risk analysts and the Bank of Uganda then headed by Louis Kasekende who is a young brother to the fraudster Martin Kasekende Chairman of the Buganda Land Board who failed to warn investors of trouble ahead, and the unregulated freehold land titles trading that was the core of Buganda Land Board's business.

It is not unusual for businesses to fail after making bad or ill-timed investments. What turned the Buganda Land Board case into a major financial scandal was the company's response to its problems. Rather than disclose its true condition to public investors, as the law requires, Buganda Land Board falsified its accounts. It assigned business losses and near-worthless assets to unconsolidated partnerships and "special purpose entities." In other words, the firm's public accounting statements pretended that losses were occurring not to Buganda Land Board, but to the so-called entities, which were ostensibly

independent firms that had agreed to absorb Buganda Land Board 's losses, but were in fact accounting contrivances created and entirely controlled by Buganda Land Board 's management. The sudden collapse of such a large corporation, and the accompanying losses of jobs, investor wealth, and market confidence, suggested that there were serious flaws in the Uganda system of financial reporting regulation and there was complete lack of knowledge about collateral that was being held by commercial banks for mortgages and a fool hardy supervision team at Bank of Uganda which has all along been clue less about the title forgery that was being done under the nose of Louis Kasekende, Martin Kasekendes brother as one of the strategic managers at the Central Bank in Uganda, which is based on the full and accurate disclosure of all financial information that market participants need to make informed investment decisions. The suggestion was amply confirmed by the succession of major corporate accounting scandals that followed.

Buganda Land Board has raised fundamental issues about corporate fraud, accounting transparency, and investor protection. We will most likely see the Buganda Land Board file for Bankruptcy soon with the amount of forged titles that they have done in breach of effect 68 of the Registration of Titles Act, Cap 230 and in total breach of the legal framework that is set in Chapter 228 of the

Laws of Uganda (Land in Buganda, Provisional Certificates,1922) Uganda has been open to one of the most sophiscated mortgage backed security fraud system that I have only analyzed in the American Market.

To understand the scam in detail, we must understand the two concepts of market system, the Bullish and the Bearish system. The Bear system is more into trial and error. The investments and capitalization is on daily level. The fluctuations are also regular and very evident. Whereas in Bullish system, the market is stabilized at all times. The stock market has mostly been Bullish. Buganda Land Board took the benefit of the Bullish system of market and grew overnight. The company was ready to create a market for anything and everything in which anyone was willing to trade. The company also invested in building a broadband telecommunication network to facilitate high speed trading. This was a period of boom for the economy when there was a market for every commodity. Soon, the system changed. The company was facing increased competition and its profits shrank rapidly. To compete, and to avoid the pressure from shareholders, the company began a practice of dubious accounting known as 'mark-to-market' under which the company accounts showed the future gains from trading contracts into current income statements, thus fooling the investors by showing higher profits than they actually were. The

troubled operations of the company were transferred to Special Purpose Entities (hereinafter referred as 'SPEs'), to limit the partnerships created with outside parties. Buganda Land Board used the SPEs as a dump site for its troubled assets. Transferring the assets to SPEs meant that the same need not be shown in company's books, which made the losses look less severe than they actually were. All this while, Ministry of Lands, Housing and Urban Development worked not only as the provider of the forged titles of the company but also as a consultant for the company. This was seen as a fraud and malicious practice against the investors who were not told the truth before they planned to invest in the forged titles and it was also done with the intention of destroying the robustly built Mailo Land tenure system for the Buganda region whose land records had always been kept clean and neat free of fraud and financial malfeasance.

Both Charles Peter Mayiga and David Kyewalabye Male could wield power ruthlessly. The position of Minister of Culture and Antiquities in the Buganda Kingdom was known as the "ejector seat" because so many occupants were removed from the position when they took issue with Charles Peter Mayiga or appeared to be a threat to his power. David Kyewalabye Male, for his part, eliminated corporate rivals and intimidated subordinates. Abdication of power was also a problem

at Buganda Land Board. At times, managers did not appear to understand what employees were doing or how the business which was literally creating new markets operated. Board members also failed to exercise proper oversight and rarely challenged management decisions. Many were selected by CEO Charles Peter Mayiga with rubber stamp from Ronald Muwenda Mutebi and did business with the firm or represented non-profits that received large contributions from Buganda Land Board.

Excess typified top management at Buganda Land Board. Charles Peter Mayiga, who began life modestly as the son of a Masaka peasant turned Mpombo salesman at Kitobero Restaurant, once told a friend, "I don't want to be rich, I want to be world-class rich". At another point he joked that he had given wife a $2 million decorating budget for a new home in Lubowa built on land this boy had stolen from the Estate of Yusuf Suuna Kiwewa (Omulangila) which she promptly exceeded.

Buganda Land Board officials manipulated information to protect their interests and to deceive the public, although the extent of their deception is still to be determined. Both executives and board members claim that they were unaware of the extent of the company's off-the-books partnerships created and operated by Charles Peter Mayiga and David Kyewalabye

Male. However, both David Kyewalabye Male and Martin Kasekende were warned that the company's accounting tactics were suspect by Jjuuko Joseph Kiyimba over the world wide web most especially after the case of Prince Kalemera & Anor (Administrator of the estate of the Late HRH Sir Daudi Chwa II) v The Kabaka of Buganda & 3 Ors (Civil Suit-2017/535) [2020] UGHCLD 16 (28 September 2020); and after the discovery of the truth underlying the fraud on court that is luminously exposed in the case of Buganda Land Board v Wampamba (Miscellaneous Cause-2013/622) [2014] UGHCLD 91 (20 February 2014).

Board members specifically waived the conflict of interest clause in the company's code of ethics that would have prevented the formation of the most troublesome special partnerships Employees were quick to follow the lead of top company officials. They hid expenses, claimed nonexistent profits, and deceived Ministry of Lands, Housing and Urban Development regulators and so on.

Buganda Land Board officials put their loyalty to themselves above those of everyone else with a stake in the company's fate the members of the royal family and the descendants of the Chiefs and elders, business partners, rate payers, local communities, foreign governments, and so on. They also betrayed the trust

of those who worked for them. Employees apparently believed in the company and in Charles Peter Mayigas optimistic pronouncements. In August 2020, for example, he declared "I have never felt better about the prospects for the company "after they had obtained the ruling that was taint with fraud on court done by the Buganda Land Board employees when they failed to disclose the case of Buganda Land Board v Wampamba (Miscellaneous Cause-2013/622) [2014] UGHCLD 91 (20 February 2014) and the impact that it had on the incorporation status of the same Buganda Land Board. The non-consideration of the Judge in that case for Chapter

228 of the laws of Uganda and the decisions that were made there on with the intention of relying on the statute of limitations to support statutory fraud that has been done by the Kabaka of Buganda, The Buganda Land Board incorporated through fraud on court by Kizito Bashir Juma in the case of Buganda Land Board v Wampamba (Miscellaneous Cause-2013/622) [2014] UGHCLD 91 (20 February 2014) and lack of corporate governance knowledge and the law by the commissioner land registration, a party that has always forged titles over the private mailo estate of Daudi Chwa on MRV 273 Folio 1 Land at Masajja. The sense of betrayal experienced by Buganda Land Board employees only added to the pain of losing their jobs and retirement savings.

Buganda Land Board officials acted irresponsibly by failing to take needed action, failing to exercise proper oversight, and failing to shoulder responsibility for the ethical miscues of their organization. CEO David Kyewalabye Male down played warnings of financial improprieties and some board members did not understand the numbers or the company's operations. Too often company managers left employees to their own devices, encouraging them to make their numbers by any means possible. After the collapse, no one stepped forward to accept blame for what happened.

The unethical behavior of Buganda Kingdoms leaders appears to be the product of both individual and situational factors. Greed was the primary motivator of both managers and their subordinates at Buganda Land Board. Optimistic earnings reports, hidden losses and other tactics were all designed to keep the performance artificially high. Lofty forged title sales and fraudulent joint ventures like the one done with China Guoji justified generous salaries and perks, deflected unwanted scrutiny, and allowed insiders to profit from their forged titles options. Greed was not limited to top Buganda Land Board executives, however. Meeting earnings targets triggered large bonuses for managers

throughout the firm, bonuses that were sometimes larger than employees' salaries.

Buganda Land Board was also a victim of larger social and cultural factors. Obsession with short-term results encourages executives to do whatever they can to meet these expectations. Buganda Land Board's explosive growth took place during the economic boom of the 90s. All the major stock indices soared and billions were 2000s wasted on Internet start-ups that never had a realistic chance to make a profit. During this period the Cult of the CEO emerged. Business leaders achieved rock star status, gracing the covers of national magazines and best selling biographies. In this heady climate, government regulators and investors felt little need to study the operations or finances of apparently successful companies led by business superstars. The recent spate of corporate scandals and the accompanying market crash may be the penalty that society must pay for the excesses and inattention of the last decade.

As corporate acts originate in the choices and actions of human individuals, these individuals who must be seen as the primary bearers of moral duties and moral responsibility. The then chairman of the board,

Martin Kasekende having successfully done land title forgery fraud while at National Housing majorly done on the estate of Yusuf Suuna Kiwewa Omulnagila in corroboration with Yusuf Kagumire of Mitchell Cotts and one of President Museveni's Lawyers who made a forged title over the land at Lubowa and sold the same to the National Social Security Fund for USD 8,000,000 thought that he would cultivate the same roguish culture with the equally fraudulent, and CEO, Charles Peter Mayiga, to allowed the then CFO, Martin Wagwa Nsibirwa, to build private cooperate institution secretly and then transferred the property illegally. The CFO, Martin Wagwa Nsibirwa grandson of Nsibirwa who was also a mengo fraudster, violated his professional ethics and took the crime of malfeasance. When the superior, the chairman of the board of Martin Kasekende and CEO Martin Wagwa Nsibirwa, ordered conspiratorial employees to carry out an act that both of them knowing is wrong, these employees are also morally responsible for the act. The courts will determine the facts but regardless of the legal outcome, Buganda Land Board senior management gets a failing grade on truth and disclosure. The purpose of ethics is to enable recognition of how a particular situation will be perceived. At a certain level, it hardly matters what the courts decide. Buganda Land Board is bankrupt

which is what happened to the company and its officers before a single day in court. But no company engaging in similar practices can derive encouragement for any suits that might be terminated in Buganda Land Board and the Kabaka of Buganda's favor. The damage to company reputation through a negative perception of corporate ethics has already been done.

In summary, top officials at Buganda Land Board abused their power and privileges. They manipulated information while engaging in inconsistent treatment of internal and external constituencies. These leaders put their own interests above those of their employees and the public, and failed to exercise proper oversight or shoulder responsibility for ethical failings. Therefore, there is need the directors to follow particular examples in following matters.

First, there should be a healthy corporate culture in a company. In Buganda Land Boards case, its corporate culture played an important role of its collapse. The senior executives believed Buganda Land Board had to be the best at everything it did and the shareholders of the board, who were not involved in this scandal, were over optimistic about Buganda Land Board's operating conditions. When there existed failures and losses in their company performance, what they did was covering up their losses in order to protect their

reputations instead of trying to do something to make it correct. Therefore, the "to-good-to-be-true" should be paid more attention by directors of board in a company.

Secondly, a more complete system is needed for owners of a company to supervise the executives and operators and then get the idea of the company's operating situation. There is no doubt that more governance from the board may keep Buganda Land Board from falling to bankruptcy. The boards of directors should pay closer attention on the behavior of management and the way of making money. In addition, Buganda Land Board's fall also had strikingly bad influence on the whole Ugandan economy. Maybe the government also should make better regulations or rules in the economy.

It is worth mentioning that the Buganda Land Board case was the biggest in a series of scandals that damaged the reputations of corporations as a direct result, the parliament of Uganda will most likely have to pass a law, that will make Chief Executives and the strategic management of the Buganda Kingdom, auditors and made corporate executives criminally liable for lying about their accounts. The Buganda Land Board scandal moved the balance of power away from the company boards towards the investors. After the

scandal there is more caution among corporate executives about spinning off accounts that might be inaccurate, as now they face criminal liability. owever, the temptation to boost earnings has of booming markets mostly when the rewards for executives are high. Finally it can be proved that the bankruptcy of the Buganda Land Board was because of managerial scandal for the self benefit than shareholder's benefit of this company.

Although corporate governance may be viewed in different ways by various disciplines (Turnbull 1997), this term commonly refers to a set of relationships among the firm"s management, Board of Directors, and stakeholders (Organisation for Economic Cooperation and Development 2004). In other words, corporate governance describes all the influences that have effects on the institutional processes of a firm (Turnbull 1997). Corporate governance is a system designed to direct and manage a firm that affects three main aspects used for judging a firm"s success: objectives, risks, and performance (ASX Corporate Governance Council 2003). More clearly, corporate governance is about the responsibilities of a firm"s board in managing the firm and the board"s relationship with stakeholders (Pass 2004). Given these definitions, it is easy to agree with the point that good corporate governance enhances not only accountability but

also the creation of wealth (ASX Corporate Governance Council 2003; Bowden 2004; Organisation for Economic Co-operation and Development 2004). In achieving good corporate governance, it is required that all participants in corporate governance systems ensure there is accountability for their actions and that they fulfil their responsibilities (Rezaee 2002). In the Buganda Land Board case, the weakness of corporate governance that ultimately lead to Buganda Land Board's demise was caused by all participants, including the Board of Directors, top executive officers, the internal auditor, the external auditors, and whistleblowers as well.

Buganda Land Board "s Board of Directors significantly contributed to Buganda Land Boards failures. The Board inadequately oversaw key business and transactions in the corporation. Further, the Board ineffectively controlled the implementation of the Corporation's code of conduct or policy, which enabled self-interested managers to make profits at the Corporation's expense. Also, the Board did not build up an environment in which the external auditor, the internal audit function, and the whistleblowers could operate effectively.

Buganda Land Board "s management was greedy and acted in its own self-interest, which seriously harmed the Corporation. Of the managers, the role of Buganda Land Board "s chief executive officer (CEO) and chief financial

officer (CFO) need to be examined. They both secured vast sums of money in the form of compensation whilst the Corporation was in the process of running into difficulties and on the verge of bankruptcy.

Further, Buganda Land Board "s whistleblowers were not encouraged to come forward. This can be easily understood as the corporation culture was „lacking in integrity to a surprising degree" due to the senior executive's role in supporting and nurturing wrongdoings. For example, it is totally implausible that the senior executives did not know of the establishment of „a sham land titles forged with the intuition similar to the one Chairman Martin Kasekende had used when he cheated the National Social Security Fund when they sold it the Lubowa forged freehold title for USD 8,000,000 in 2003" being „completed with computers, desks, chairs, and traders". In such a culture, all internal corporate governance attributes definitely become weaker. In this instance, the situation had become worse because the external auditor simultaneously served as the internal auditor and acquiesced with the wrongdoings of Buganda Land Board's management.

The contribution of Buganda Land Board' "s directors to the Company"s demise can be briefly described as unfulfilled fiduciary duties. Generally, directors are wholly

responsible for governing and directing the company's affairs in the best interests of the company as a whole and its shareholders . Therefore, they are required to act in honesty reasonable care, and competence (Brooks 2004; Kemper and Levine 2003; Shailer 2004). As the highest level of the hierarchical corporate governance structure, Buganda Land Board's Board of Directors not only must have known about but also supported the Company's questionable strategies, criticized policies, and devious transactions

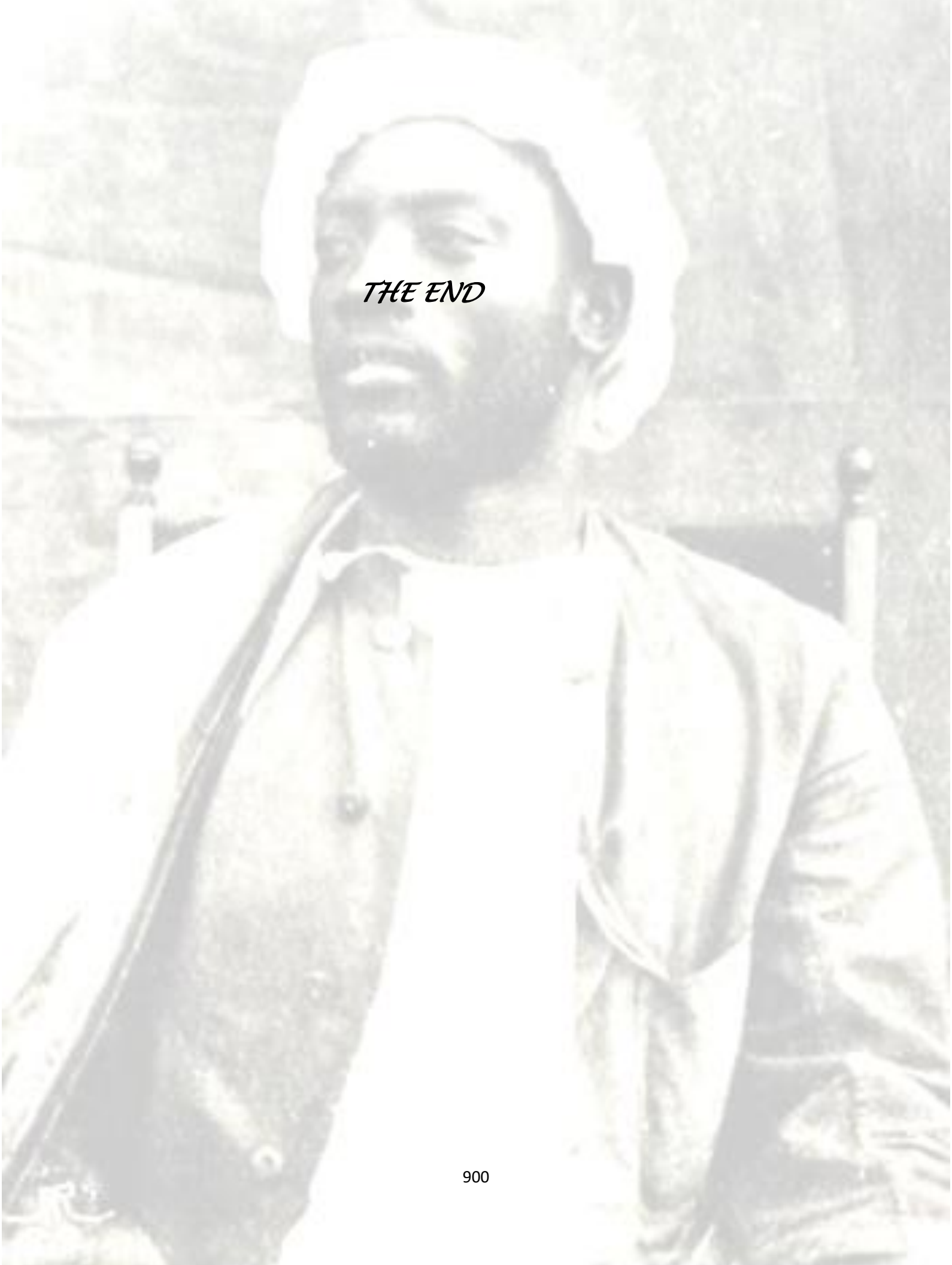
Kizito Bashir Juma, Kyewalabye Male and Charles Peter Mayiga among others have by far the biggest fraud of all time, the Kyapa Mungalo over private mailo land sold to the unsuspecting public rip-off has involved more far money (in real dollars) than all the financial frauds of the past put together. The fraud, perpetrated by several the person of the Kabaka of Buganda, the Buganda Land Board officials and hugely campaigned for by the Kampala Legal shenanigan, Charles Peter Mayiga, consisted of selling fraudulent mortgage-backed securities and outright leases forged in unison with the Ministry of Lands, Housing and Urban Planning, Department of Land Registration and Administration, thereby creating a total mess up of Uganda's Mailo land titling system, formulation of fictitious leases and the issuance of mortgages by banks to the public backed by forged titles arising from the names of

the person of the Kabaka of Buganda through his agent Buganda Land Board run by non but another fraudster David Kyewalabye Male and Kizito Bashir Juma. The bubble burst has now burst vide the trite evidence given herein, the resulting crash has destroyed trillions of dollars of real investment, thrown most of the country into a crippling recession, distorted the mortgage market of the country hence leading to tight regulation and created massive unemployment. The fraud indeed made by the ring leader Charles Peter Mayiga will most likely be the trigger of all the disasters that will follow. This time this is a fraud which will unite the country's divided political landscape against the perpetrators.

The chickens have come home to roost refers to a 700-year-old expression, recently brought back to life in Martin Scorsese's The Wolf of Wall Street. It effectively means that the bad deeds, misguided actions or inaction committed in a lifetime will resurface at some point, just like chickens coming home to roost. It is an inevitability. "Once a company has a clear picture of the critical data needing protection, they should ensure that they have properly integrated layers of security – rather than a collection of disparate tools. These layers must be supported by the right processes and a proactive stance to threat hunting, said my man Fred Lwegabba FCCA, PODITRA. The chickens have come home to roost.

Given the current pace of its corporatization, academia may well become the worst institution for indoctrinating and subjugating many brilliant minds that may otherwise have great potential for dissidence and creating a new worldview, which is much needed amid the global turmoil we are experiencing internationally.

For decades, the exploitative capitalist system and neoliberalism have been trying to persuade the world that it is for our best interest to reduce (or even erase) the public sector and give more power to the greedy private sector. They have been pushing -with great success – for the privatization of every service that can benefit the poor and marginalized people. They have and still are trying to get rid of universal healthcare anywhere their hands can reach. Why do they do so? The answer is simpler than we think: it is to keep people at the mercy of the greedy capitalist system that sees individuals as either potential cheap laborers to benefit from or a burden to dispose of when no longer usable. This global pandemic should be a wake-up call to all of us about how duped the world has been all along by this narrative. How many more disasters and pandemics will it take for the world to wake up?


THE END

"But the compulsive overachievement of today's elite college students - the sense that they need to keep running as fast as they can - is not the only thing that keeps them from forming the deeper relationships that might relieve their anguish. Something more insidious is operating, too: a resistance to vulnerability, a fear of looking like the only one who isn't capable of handling the pressure. These are young people who have always succeeded at everything, in part by projecting the confidence that they always will. Now, as they get to college, the stakes are higher and the competition fiercer. Everybody thinks that they are the only one who's suffering, so nobody says anything, so everybody suffers. Everyone feels like a fraud; everybody thinks that everybody else is smarter than they are."

— William Deresiewicz, Excellent Sheep: The Miseducation of the American Elite and the Way to a Meaningful Life